

ORIGINAL

FILED  
3-17 2022 9:20 A.M./P.M.  
WENDY DAVIS, CLERK  
JUVENILE COURT  
BY: *[Signature]* D.C.

**IN THE JUVENILE COURT OF MONTGOMERY COUNTY, TENNESSEE AT  
CLARKSVILLE**

STATE OF TENNESSEE DEPARTMENT )  
OF CHILDREN'S SERVICES )  
)  
)  
PETITIONER, )  
)  
vs. )  
)  
JOSE MENDEZ, FATHER )  
ADDRESS UNKNOWN )  
)  
RESPONDENT. )  
\_\_\_\_\_ )

**Case No.**  
  
**APPLICATION FOR  
ORDER FOR SERVICE  
BY PUBLICATION;  
POINTS & AUTHORITIES**

**ORDER FOR SERVICE BY PUBLICATION**

IT IS SO ORDERED that the Summons, Petition, all Court-issued documents, and this ORDER shall be published in Global Legal Notices, a legal notice publication of general circulation in Guatemala, 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.

*[Signature]*

\_\_\_\_\_  
Judge, Juvenile Court of Montgomery County, Tennessee

*March 17<sup>th</sup>*  
Dated: January \_\_\_\_\_, 2022

RECEIVED  
MAR 17 2022

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**APPLICATION FOR  
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POINTS & AUTHORITIES**

**COMES NOW THE PETITIONER**, 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 and For Full Guardianship. Jose Mendez is the Father of Gabriel David Trochez, DOB: 08/09/2010, and Kayly Rosealynda Trochez, DOB: 08/26/2011.

**REQUEST**

Petitioner has been unable to serve the Respondent, Jose Mendez ("Mendez") 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 Guatemala, 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 the Respondent utilizing traditional service of process methods. However, there is no known address for the Respondent and there is no available method to serve the Respondent in Guatemala.

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

The only available alternative method of service is service by publication. However, newspapers in Guatemala 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 Guatemala 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](http://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 U.S. 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 . . .”**

**Further, Tennessee law allows for service by publication, upon Court order, if a valid address for service cannot be found.**

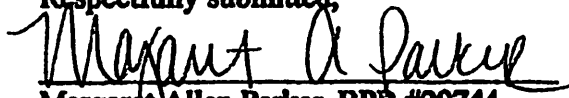
### **CONCLUSION**

**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,**

A handwritten signature in black ink that reads "Margaret A. Parker". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

**Margaret Allen Parker, BPR #29744**

**Assistant General Counsel**

**Department of Children's Services**

IN THE JUVENILE COURT OF MONTGOMERY COUNTY, TENNESSEE  
AT CLARKSVILLE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

*Petitioner,*

Petition No. \_\_\_\_\_

vs.

ELIZABETH KAYE TROCHEZ, MOTHER  
641 Miles Court  
Clarksville, TN 37042

And

WILMER ALEX TROCHEZ, FATHER  
1511 Dickerson Pike, Apt 16B  
Goodlettsville, TN 37072

And

JOSE MENDEZ, FATHER  
Address Unknown

*Respondent(s).*

IN THE MATTER OF:

GABRIEL DAVID TROCHEZ, DOB: 08/09/2010  
KAYLY ROSEALYNDA TROCHEZ, DOB: 08/26/2011

Children Under Eighteen (18) Years of Age

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PETITION TO TERMINATE PARENTAL RIGHTS AND FOR FULL GUARDIANSHIP

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Comes the Tennessee Department of Children's Services (hereinafter referred to as "DCS" or "the Department") by and through its duly authorized representative, Christina Ladler, Family Services Worker, and respectfully requests an order terminating the parental rights of Elizabeth Trochez, Mother; Wilmer Trochez, Father and Jose Mendez, Father; (hereinafter

referred to as the "Respondents"). The requested order shall forever sever all the rights, responsibilities, and obligations of Respondents with respect to the children, Gabriel Trochez and Kayly Trochez (hereinafter referred to as "the children") and shall likewise terminate all rights and obligations of said children to the Respondents arising from the parental relationship. The order sought would place the children in the guardianship of the State of Tennessee, granting it the right to place the children for adoption and to consent to any adoption. If the order is issued, the Respondents shall have no further right to notice of adoption proceedings; no right to object to the children's adoption; and no relationship, legal or otherwise, with their respective child/children. This petition is brought pursuant to T.C.A. § 36-1-113.

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

**I.  
JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to T.C.A. § 36-1-113(a) and T.C.A. § 36-6-201 et. seq. This is the proper venue for this action pursuant to T.C.A. § 36-1-113(d)(4).

2. The Department is the legal custodian of the children at the time these proceedings are commenced.

3. Pursuant to T.C.A. § 36-6-224, Petitioner submits that the Department has not participated as a party or witness, or in any other capacity, in any other proceeding concerning the custody of these children, except for the dependency and neglect proceedings in the Juvenile Court of Montgomery County, Tennessee, wherein the children were placed in the Department's custody; that the Department does not know of any proceedings that could affect the current proceedings, including proceedings related to domestic violence, protective orders, termination of parental rights and/or adoption; that the Department 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

custody or physical custody of or visitation with the children, except as otherwise noted in this Petition.

## **II. PARTIES**

4. Elizabeth Trochez is the mother of Gabriel Trochez and Kayly Trochez. Her address is 641 Miles Court, Clarksville, TN 37042.

5. Wilmer Trochez is the legal father of Gabriel Trochez and Kayly Trochez. His address is 1511 Dickerson Pike, Apt. 16B, Goodlettsville, TN 37072.

6. Jose Mendez is the alleged father of Kayly Trochez. His address is unknown at this time.

## **III. BIRTH INFORMATION**

7. The child, Gabriel David Trochez, was born to the marriage of Elizabeth Trochez and Wilmer Trochez on August 9<sup>th</sup>, 2010. A copy of his birth certificate is attached. The birth certificate is silent as to the father, but the mother has named Jose Mendez as the possible father.

8. The child, Kayly Trochez, was born to the marriage of Elizabeth Trochez and Wilmer Trochez on August 26<sup>th</sup>, 2011. A copy of her birth certificate is attached. The birth certificate is silent as to the father, but the mother has named Jose Mendez as the possible father.

## **IV. PUTATIVE FATHER REGISTRY**

9. As required by T.C.A. § 36-1-113(d)(3)(A)(i), the Putative Father Registry maintained by the Department of Children's Services has been consulted within ten (10) working days of the filing of this Petition.



**V.  
NO OTHERS ENTITLED TO NOTICE**

10. No claim is listed as the father of these children on the Putative Father Registry. To Petitioner's knowledge, there have been no paternity legitimization proceedings concerning these children. Petitioner is not aware of any other existing or potential claims to paternity of these children. Petitioners know of no other person, not a party to this proceeding, who has legal or physical custody of the children or who claims to have legal or physical custody or visitation rights with respect to the children.

11. To Petitioner's knowledge there are no other parents, legal guardians or custodians or any other person who are entitled to notice of these proceedings pursuant to T.C.A. § 36-1-117.

**VI.  
CUSTODY**

12. The children were placed in the custody of the Tennessee Department of Children's Services due to dependency and neglect on January 2<sup>nd</sup>, 2019, and they have remained in foster care continuously since that date.

**VII.  
NOTICE OF CRITERIA & PROCEDURE FOR TERMINATION OF  
PARENTAL RIGHTS**

13. Elizabeth Trochez was advised on February 5<sup>th</sup>, 2019 of the Criteria and Procedure for Termination of Parental Rights. Elizabeth Trochez signed the acknowledgement of receipt of the Criteria and Procedure for Termination of Parental Rights on the same day. Jose Mendez was advised on February 5<sup>th</sup>, 2019 of the Criteria and Procedure for Termination of

Parental Rights. Jose Mendez signed the acknowledgement of receipt of the Criteria and Procedure for Termination of Parental Rights on the same day.

### **VIII. INTENT OF PROCEEDINGS**

14. It is the intention of this proceeding to seek a Decree forever terminating any and all parental rights which the Respondents has as to said child/children, which Decree will have the effect of forever severing all rights, responsibilities, and obligations which said Respondents has with respect to said child/children and which said child/children has as to said Respondents arising from the parental relationship, place the child in the guardianship of the Department of Children's Services, which shall have authority and right to place the children for adoption and consent to the children's adoption, with the Respondents having no further right to notice of the proceedings for adoption of the children by other person(s), no right to object to the children's adoption, or have any relationship, legal or otherwise, with the children.

15. Other than the Respondents in this matter, to Petitioner's knowledge, there are no other parental or guardianship rights, which must be terminated prior to the children being available for adoption.

### **IX. APPEAL PROCEDURE**

16. Any appeal of the trial court's final disposition of the complaint or petition for termination of parental rights will be govern by the provisions of Rule 8A, Tennessee Rules of Appellate Procedure, which imposes spcial time limitations for the filing of the transcript or statement of 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.

17. All parties must review Rule 8A, Tenn. R. App. P., for information concerning the special provisions that apply to any appeal of this case.

**X.  
ABANDONMENT BY FAILURE TO VISIT OR SUPPORT**

18. Elizabeth Trochez has willfully failed to support her children for four months immediately preceding the filing of this petition or the support paid in the four months immediately preceding the filing of this petition was token support. Ms. Trochez has not contributed to the support of the children since they were placed in foster care. Ms. Trochez was aware or should have been aware of her duty to support the children, but has made no attempt to support the children and has provided no justifiable excuse for failing to do so.

19. To Petitioner's knowledge the Respondent, Elizabeth Trochez was not incarcerated for the four consecutive months prior to the filing of this Petition; however if the proof shows that the Respondent was incarcerated even for one day in the four months prior to the filing of this Petition, Petitioner pleads in the alternative that the Respondent has willfully abandoned the children for the four consecutive months prior to the incarceration.

20. The Petitioner avers that the Respondent, Elizabeth Trochez, has abandoned the children pursuant to T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(i) in that he/she/they has/have willfully failed to visit (or visits have been tokens merely to maintain minimal contact) and/or have willfully failed to contribute to the support or make reasonable payments towards the support of said children for more than four consecutive months prior to the filing of this Petition and, therefore, their parental rights should be terminated.

21. Wilmer Trochez has willfully failed to support his children for four months immediately preceding the filing of this petition or the support paid in the four months immediately preceding the filing of this petition was token support. Mr. Trochez has not contributed to the support of the children since they were placed in foster care. Mr. Trochez was aware or should have been aware of her duty to support the children, but has made no attempt to support the children and has provided no justifiable excuse for failing to do so.

22. Wilmer Trochez has willfully failed to visit his children for four (4) months immediately preceding the filing of this petition or the visits in the four months immediately preceding the filing of this petition were token visits. Mr. Trochez has not visited the children since the children were placed in DCS custody. Mr. Trochez was aware or should have been aware of her duty to visit the children, knew the children were in foster care and knew how to schedule visits. He has made no attempt to visit the children and she has provided no justifiable excuse for failing to do so.

23. To Petitioner's knowledge the Respondent, Wilmer Trochez was not incarcerated for the four consecutive months prior to the filing of this Petition; however if the proof shows that the Respondent was incarcerated even for one day in the four months prior to the filing of this Petition, Petitioner pleads in the alternative that the Respondent has willfully abandoned the children for the four consecutive months prior to the incarceration.

24. The Petitioner avers that the Respondent, Wilmer Trochez, has abandoned the children pursuant to T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(i) in that he/she/they has/have willfully failed to visit (or visits have been tokens merely to maintain minimal contact) and/or have willfully failed to contribute to the support or make reasonable payments towards the

support of said children for more than four consecutive months prior to the filing of this Petition and, therefore, their parental rights should be terminated.

**XI.**  
**ABANDONMENT BY FAILURE TO ESTABLISH A SUITABLE HOME**

25. The children were removed from Elizabeth Trochez, as the result of a Petition filed in Juvenile Court in which the children were found to be dependent and neglected as defined by T.C.A. § 37-1-102(b)(12) and the child were placed in the Department's custody. The Juvenile Court found that the Department made reasonable efforts to prevent removal of the child.

26. For a period of four months following the removal of the children from the mother, the Department made reasonable efforts to assist her to establish a suitable home for the child, but the mother has made no reasonable efforts to provide a suitable home and she has demonstrated a lack of concern for the children to such a degree that it appears unlikely that Ms. Trochez will be able to provide a suitable home for the children at an early date. That four-month period of time following the removal is from January 2<sup>nd</sup>, 2019 to May 2<sup>nd</sup>, 2019.

27. The reasonable efforts the Department made in the first four months include, but are not limited to: Providing to parent the case manager's business card with the case manager's name, office address, office telephone number, state cell phone number and e- mail address and instructing parent to contact the case manager at any time the parent needs assistance, providing to the parent directions to the DCS office, developing a permanency plan that outlines the specific tasks for the parent to complete in order for the child to return home, offering financial assistance in order for the mother to complete her required assessments, offering transportation to and from visits with the child, and determining whether or not the parent had been determined

by the Social Security Administration be disabled and what kind and how much disability she receives each month.

28. Petitioner avers that the Respondent, Elizabeth Trochez, has abandoned the children pursuant to T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(ii) and, therefore, her parental rights should be terminated.

## **XII. CONDITIONS STILL EXIST THAT PREVENT RETURN**

29. The children have been removed from the custody of their mother for more than six months; the conditions which led to the removal of the children from the home of The Respondents still exist and/or other conditions exist which in all probability would cause the children to be subject to further abuse and/or neglect, making it unlikely that the children could be returned in the near future; there is little likelihood that these conditions will be remedied at an early date so that the children can be returned to the parents in the near future; the continuation of the parent/children relationship greatly diminishes the children's chance of an early integration into a stable and permanent home and, therefore, her parental rights should be terminated pursuant to T.C.A. § 36-1-113(9)(3).

30. The conditions that led to the removal of the children from the custody of Elizabeth Trochez were environmental issues within the mother's home and educational neglect of the children.

31. The conditions that prevent the children's return to the mother's home are the lack of completion of services that would adequately show whether or not the mother can safely care for the children, the mother has failed to maintain or obtain residential stability, she has failed to participate in visitation, she has failed to obtain gainful employment, she has failed to complete

random drug screens, she has failed to complete the recommendations from the Youth Villages Intercept Program and she has failed to maintain contact with DCS.

**XIII.  
FAILURE TO ASSUME CUSTODY OR FINANCIL RESPONSIBILITY**

32. Elizabeth Trochez has failed to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the children and placing the children in her legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the children.

33. Despite numerous attempts to provide services to Ms. Trochez with transportation, housing, employment or any other needs to be able to demonstrate that she can adequately care for the children, Ms. Trochez has not completed services that would adequately show whether she is willing and able to properly care for her children in a safe and stable manner, she has not completed any recommendations from her assessments, and she has not paid any support for the children.

34. Wilmer Trochez has failed to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the children and placing the children in his legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the children.

35. Mr. Trochez has not completed services or maintained any contact with DCS that would adequately show whether he is willing and able to properly care for his children in a safe and stable manner, he does not visit with the children and has not paid any support for the children.

36. Jose Mendez has failed to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the children and placing the children in his legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the children.

37. Mr. Mendez has not completed services or maintained any contact with DCS that would adequately show whether he is willing and able to properly care for his children in a safe and stable manner, he does not visit with the children and has not paid any support for the children.

38. Therefore, the parental rights of the said Respondents should be terminated pursuant to T.C.A. § 36-1-113(9)(14) .

#### **XIV. FAILURE TO ESTABLISH/ EXERCISE PATERNITY**

39. At the time of the filing of this Petition, the Respondent, Jose Mendez, is not the legal parent or guardian of the child, Kayly Trochez, and does not have a presumption of parentage pursuant to TC.A §36-2- 304.

40. Jose Mendez has failed, without good cause or excuse, to make reasonable and consistent payments for the child's support of the child in accordance with the child support guidelines promulgated by the department pursuant to TC.A §36-5- 101.

41. Jose Mendez has failed to seek reasonable visitation with the child, and if visitation has been granted, has failed to visit altogether, or has engaged in only token visitation as define in TC.A §36-1-102 (1)(0).



42. Jose Mendez has failed to manifest an ability or willingness to assume legal and physical custody of the child.

43. Placing custody of the child, in Jose Mendez's custody would pose a risk of substantial harm to the child's psychological welfare.

44. Jose Mendez has failed to file a petition to legitimate the child within thirty (30) days after notice, as defined by T.C.A §36-1-113(9)(9)(8), of alleged paternity by the child's mother, or as required in T.C.A §36-2-2090), or after making a claim of paternity pursuant to T.C.A §36-1-117(c)(3).

45. Therefore, Jose Mendez's parental rights, if any he has, should be terminated pursuant to T.C.A §36-1-113(9)(9).

## **XV. BEST INTEREST**

46. DCS would show that, after having found that grounds exist to terminate the parental rights of Respondents, the Court must then analyze whether or not it is in the children's best interest for termination to be granted. DCS would further show that the nonexclusive list of best interest factors which the Court must consider are contained in Tennessee Code Annotated § 36-1-113(i).

47. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(1) is applicable in this matter. Thus, DCS would assert it is in the best interest of the minor children for termination to be granted as to the Respondents, because they have not made changes in their conduct or circumstances that would make it safe for the children to go home. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

48. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(2) is applicable in this matter. Thus, DCS would assert that it is in the children's best interest for termination to be granted as to the Respondents, because they have 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. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

49. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(3) is applicable in this matter. Thus, DCS would assert that it is in the children's best interest for termination to be granted as to the Respondents, because they have not engaged in regular visitation with their children. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

50. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(4) is applicable in this matter. Thus, DCS would assert that it is in the children's best interest for termination to be granted as to the Respondents because there is no meaningful parent child relationship between the Respondents and the children. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

51. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(5) is applicable in this matter. Thus, DCS would assert that it is in the children's best interest for termination to be granted as to the Respondents, because changing caregivers at this stage of the children's life would have a detrimental effect on them. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

52. DCS would show that the best interest factor contained in contained in T.C.A. § 36-1-113(i)(6) is applicable in this matter. Thus, DCS would assert that it is in the children's best

interest for termination to be granted as to the Respondents, in that they has abused and neglected the children. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

53. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(7) is not applicable in this matter.

54. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(8) is applicable in this matter. Thus, DCS would assert that that it is in the children's best interest for termination to be granted as to the Respondents, because their mental and emotional state would be detrimental to the children and would prevent them from effectively parenting the children. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

55. DCS would show that the best interest factor contained in T.C.A. § 36-1-113(i)(9) is applicable in this matter. Thus, DCS would assert that it is in the children's best interest for termination to be granted, because the Respondents have not paid child support consistent with the child support guidelines. Thus, DCS would show that this factor weighs in favor of terminating the Respondents' parental rights.

56. All facts given throughout this petition are incorporated by reference into each alleged ground for termination of parental rights and are also incorporated by reference as factors to show why it is in the best interest of the children to terminate parental rights.

57. For all of the foregoing reasons, Petitioner avers that it is in the best interest of the children pursuant to T.C.A. §§ 36-1-113(c)(2) and 36-1-113(i) and the public that any and all parental rights that Elizabeth Trochez, Wilmer Trochez and Jose Mendez may hold to the children, Gabriel Trochez and Kayly Trochez, be forever terminated and that the complete

custody, control, and guardianship of said children be awarded to the State of Tennessee, Department of Children's Services, with the right to place said child for adoption and to consent to adoption *in loco parentis*.

**PREMISES CONSIDERED, PETITIONER PRAYS,**

1. That the Respondents, Elizabeth Trochez, Wilmer Trochez and Jose Mendez, be served with a copy of this Petition, and be summoned to answer at the address given in the caption herein, or wherever said Respondents may be found.

2. That the said Respondents, be served by publication if they cannot be found for personal service.

3. That the Court determine whether or not the Respondents are able to hire counsel and if they are not able and are indigent, whether or not the Respondent are entitled to court-appointed counsel to prevent the denial of due process of law.

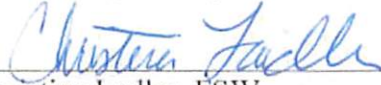
4. That if the termination of parental rights is contested, the Court appoint a guardian *ad litem* for the children pursuant to Rule 39(c) of the Tennessee Rules of Civil Procedure.

5. That if the termination of parental rights is contested, the Court give a priority in setting for final hearing and that it be heard at the earliest possible date as required by T.C.A. § 36-1-124 and that the Court ensure that the hearing on this petition take place within six (6) months of the petition being filed, unless the Court finds an extension is in the child's best interest as is required by T.C.A. § 36-1-113(k).

6. That at the hearing of this cause, Your Honor decree the Respondents, Elizabeth Trochez, Wilmer Trochez and Jose Mendez have: failed to provide suitable housing for the children, have failed to visit and/or support the children, have failed to exercise custody and/ or financial responsibility of the children, have failed to remedy the conditions that led to the children entering custody, has failed to establish or exercise paternity of the children, and that it is in the best interest of the child that all the parental rights of said Respondents to said children be forever terminated; and that the complete custody, control, and guardianship of the child be awarded to the State of Tennessee, Department of Children's Services, with the right to place said children for adoption and to consent to said adoption *in loco parentis*.

7. And for such other, further and general relief as may be necessary.

Respectfully submitted,

  
Christina Ladler, FSW

Prepared for entry by:



---

Margaret Allen Parker, BPR #29744  
Assistant General Counsel  
Department of Children's Services  
350 Pageant Lane, suite 401  
Clarksville, Tennessee 37040  
(931) 503-3200

#### OATH

**State of Tennessee**  
**County of MONTGOMERY**

Pursuant to the Supreme Court Order issued March 25, 2020, In re COVID-19 Pandemic, and Rule 72 of the Tennessee Rules of Civil Procedure, I, Christina Ladler, declare under penalty of perjury, that the facts stated in the foregoing Petition/Declaration are true and correct to the best of my knowledge, information and belief.

  
Christina Ladler, FSW  
Department of Children's Services

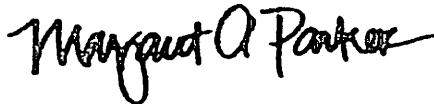
## NOTICE OF RIGHT TO REQUEST COURT APPOINTED COUNSEL

If you are indigent (poor), you may be entitled to have the Court (Judge) appoint an attorney (lawyer) to represent you free of charge. The Court looks at several factors, including your income and expenses in determining whether you are indigent. Therefore, the Court may find you to be indigent even if you have a job.

If you wish to have an attorney appointed to represent you at the Trial to Terminate your Parental Rights, you should ask the Court to appoint you an attorney as far in advance of the trial as possible. Your Court Appointed Counsel (Attorney) will need as much time as possible to prepare for the trial. If you wait until the trial date or just a few days before, the Judge may not be willing to postpone the trial to a later date in order to appoint you an attorney.

Please send a written request for Court Appointed Counsel to the Juvenile Court Clerk of Montgomery County, Tennessee at 2 Millennium Plaza, Suite \_\_\_\_\_, Clarksville, Tennessee, 37040 and also notify me at the below address and telephone number.

Respectfully submitted,



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Margaret Allen Parker, BPR #029744  
Assistant General Counsel  
Department of Children's Services  
350 Pageant Lane, Suite 401  
Clarksville, Tennessee 37040  
(931) 503-3200

Office of Vital Records

5884562864 - Aug 4, 2010



TENNESSEE DEPARTMENT OF HEALTH  
CERTIFICATE OF LIVE BIRTH



STATE FILE NUMBER: 141-

CHILD	1. CHILD'S NAME (First, Middle, Last, Suffix) <b>Gabriel David Trochez</b>			2. FACILITY NAME, IF NOT RESIDENCE (give street and number) <b>Gateway Medical Center</b>		
	3. SEX <b>Male</b>	3. DATE OF BIRTH (Month/Day/Year) <b>08/09/2010</b>	4. TIME OF BIRTH <b>12:04 AM</b>	7. COUNTY OF BIRTH <b>Montgomery</b>		
	5. CITY, TOWN, OR LOCATION OF BIRTH <b>Clarksville</b>			8. DATE OF BIRTH (Month/Day/Year) <b>February 13, 1964</b>		
MOTHER	9. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) <b>Elizabeth Key Trochez</b>			8. BIRTH-PLACE (State, Territory, or Foreign-Country) <b>Tennessee</b>		
	10. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Suffix) <b>Elizabeth Key Mercado</b>			9. CITY, TOWN, OR LOCATION <b>Clarksville</b>		
	11. RESIDENCE OF MOTHER (State or Country) <b>Tennessee</b>		12. COUNTY <b>Montgomery</b>	13. ZIP CODE <b>37040-0000</b>	14. BIG BROTHER OR SISTER? <input checked="" type="checkbox"/> Yes	
	15. STREET AND NUMBER <b>933 Woody Hills Dr</b>			16. MOTHER'S MAILING ADDRESS <input type="checkbox"/> Same as residence, or		
FATHER	17. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) <b>Mother Refused Information Refused</b>			18. BIRTH-PLACE (State, Territory, or Foreign-Country)		
CERTIFIER	19. DATE OF BIRTH (Month/Day/Year) <b>August 9, 2010</b>			20. BIRTH-PLACE (State, Territory, or Foreign-Country)		
	21. SIGNATURE AND TITLE OF CERTIFIER <i>Cheryl Eathery</i> <b>Cheryl Eathery</b>			22. DATE OF BIRTH BY REGISTERAR (Month/Day/Year) <b>8-12-2010</b>		
	23. REGISTERAR'S SIGNATURE <i>D. Spauli, DR</i> <b>D. Spauli, DR</b>					

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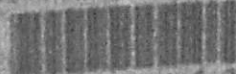
I hereby certify the above to be a true and correct representation of the record or document on file in the department. This certified copy is valid only when printed on security paper and enclosed in the envelope of the Tennessee Department of Health. Alteration or erasure voids this certification.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

Tennessee Code Annotated 58-3-101 as amended - You face the Act of 1977



*Edward G. Bishop III*  
Edward G. Bishop III  
State Registrar

*John J. Dreyer*  
John J. Dreyer, MD, MPH, FACDEM  
COMMISSIONER



10005163  
Date Issued: 08-27-2010



CERTIFICATION OF VITAL RECORD

STATE OF TENNESSEE  
Office of Vital Records



TENNESSEE DEPARTMENT OF HEALTH  
CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER: 141-



<b>CHILD</b>	1 CHILD'S NAME (First, Middle, Last, Suffix) <b>Kayly Rosealynda Trochez</b>				
	2 SEX <b>Female</b>	3 DATE OF BIRTH (Mo/Day/Yr) <b>08/26/2011</b>	4 TIME OF BIRTH <b>12:16 PM</b>	5 FACILITY NAME (If not institution, give street and number) <b>Gateway Medical Center</b>	
	6 CITY, TOWN, OR LOCATION OF BIRTH <b>Clarksville</b>		7 COUNTY OF BIRTH <b>Montgomery</b>		
<b>MOTHER</b>	8a. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) <b>Elizabeth Kay Trochez</b>			8b. DATE OF BIRTH (Mo/Day/Yr) <b>February 13, 1984</b>	
	8c. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Suffix) <b>Elizabeth Kay Mercado</b>			8d. BIRTHPLACE (State, Territory, or Foreign Country) <b>Tennessee</b>	
	9a. RESIDENCE OF MOTHER-STATE OR COUNTRY <b>Tennessee</b>		9b. COUNTY <b>Montgomery</b>	9c. CITY, TOWN, OR LOCATION <b>Clarksville</b>	
	9d. STREET AND NUMBER <b>933 Woody Hills Dr</b>		9e. APT. NO.	9f. ZIP CODE <b>37040-0000</b>	9g. INSIDE CITY LIMITS? <b>Yes</b>
	10. MOTHER'S MAILING ADDRESS: <input type="checkbox"/> Same as residence, or:				
	Street and Number		Apt. No.	City	State or County
<b>FATHER</b>	11a. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) <b>Mother Refused Information Refused</b>		11b. DATE OF BIRTH (Mo/Day/Yr)	11c. BIRTHPLACE (State, Territory, or Foreign Country)	
	12. CERTIFIER'S SIGNATURE AND DATE CERTIFIED <i>Cheryl Eatherly</i>		<b>August 30, 2011</b>		
<b>CERTIFIER</b>	SIGNATURE				
	TITLE <input type="checkbox"/> MD <input type="checkbox"/> RD <input checked="" type="checkbox"/> HOSPITAL DESIGNEE <input type="checkbox"/> CNM/CNM <input type="checkbox"/> CHW <input type="checkbox"/> OTHER MIDWIFE <input type="checkbox"/> OTHER <b>Cheryl Eatherly</b> CERTIFIER'S PRINTED NAME				
13. REGISTRAR'S SIGNATURE <i>Najia Bloor</i>			14. DATE FILED BY REGISTRAR (Mo/Day/Yr) <b>SEP 02 2011</b>		

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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

*Edward G. Bishop III* *Lisa Piercey*  
Edward G. Bishop III      Lisa Piercey, MD, MBA, FAAP  
State Registrar              Commissioner



1 2 4 3 5 3 7 2

Date Issued: Mar-17-2020



CERTIFICATION OF VITAL RECORD





ORIGINAL

IN THE JUVENILE COURT OF MONTGOMERY COUNTY, TENNESSEE AT  
CLARKSVILLE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

PETITIONER,

vs.

DOC NO.

JOSE MENDEZ  
SAN MARCOS, GUATEMALA

RESPONDENT

IN THE MATTER OF:

GABRIEL DAVID TROCHEZ, DOB: 08/09/2010  
KAYLY ROSEALYNDA TROCHEZ, DOB: 08/26/2011  
*Children under Eighteen (18) Years of Age*

SUMMONS

TO: JOSE MENDEZ  
SAN MARCOS, GUATEMALA

You are hereby summoned and required to appear and/or to answer, in writing, the PETITION TO TERMINATE PARENTAL RIGHTS filed by the Tennessee Department of Children's Services and herewith served upon you. A hearing will be held in the Courtroom of Judge Tim Barnes, 2 Millennium Plaza, Clarksville, TN 37040. You may file your answer with the Clerk of the Montgomery County Juvenile Court, and serve a copy of that answer upon Margaret Parker, who is the petitioner's attorney and whose address is DCS Legal Division, 350 Pageant Lane, Suite 401, Clarksville, Tennessee 37040, within thirty (30) days after service of this summons upon you, exclusive of the date of service. If you fail to appear and you have failed to answer within the time allowed, a judgment will be taken against you for the relief demanded in the petition.

ISSUED this 10 day of December, 2021.

F. MENDOZA D.C.

CLERK

**RETURN OF SERVICE**

I do hereby certify that a copy of the attached Summons and PETITION TO TERMINATE PARENTAL RIGHTS has been personally served upon JOSE MENDEZ on the \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
SIGNATURE AUTHORIZED PROCESS SERVER

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone