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2 REPORTER'S RECORD

3 Cause Number 2902

4 IN THE INTEREST OF \* IN THE DISTRICT COURT OF  
\*

5 JOSEPH, WILLIAM BARLOW, \* SCHLEICHER COUNTY, TEXAS  
TERESA AND SUSAN JEFFS, \*  
6 MINOR CHILDREN \* 51ST JUDICIAL DISTRICT  
\*\*\*\*\*

7

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20

21 On the 21st day of May, 2008, the following  
22 proceedings came on to be heard in the above-entitled and  
23 numbered cause before the Honorable Barbara Lane Walther, Judge  
24 Presiding, held in San Angelo, Tom Green County, Texas:

25 Proceedings reported by machine shorthand.

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3

1 THE COURT: Good morning, ladies and gentlemen.

2 MR. EDWARDS: Good morning, Your Honor.

3 THE COURT: All right.

4 MR. EDWARDS: We're ready and counsel suggested

5 that I give the Court something that we made for our own

6 assistance in getting through this hearing, because of the

7 multiplicity of kids. Not all of these children are before the

8 Court today, I don't think.

9 MS. GRIFFITH: No, but it has birth dates and

10 names on it.

11 THE COURT: We'll take birth dates and names.

12 MR. EDWARDS: May I approach?

13 THE COURT: Yes. And I was wondering, I see that

14 we have a multitude of children, but not all of them are here

15 before the Court today. Is there a way that we can kind of try

16 to get all of them here at one time? I mean --

17 MR. EDWARDS: That would be wonderful, Your

18 Honor. And I was also going to address to the Court the fact

19 that two of the children on the list for this morning are also

20 set, Teresa and William, are also set for another hearing on

21 May the 29th at 2:00 PM. And having concluded the 60-day

22 hearing on them today, I would think that that second hearing

23 could be vacated.

24 THE COURT: We -- absolutely. Some of it is the  
25 confusion in that there are slight differences in how the names

4

1 were written down.

2 MR. EDWARDS: Yes, ma'am.

3 THE COURT: So not knowing whether that was  
4 differed and distinct individuals -- so we will work to get  
5 those taken care of.

6 All right. So I have Joseph and William and  
7 Teresa this morning, and an add-on of Susanne.

8 MR. EDWARDS: Susan.

9 MS. GRIFFITH: Susan.

10 THE COURT: Susan, okay. Okay. Because there's  
11 like three different names here on the list for her.

12 MR. EDWARDS: Yes, ma'am.

13 THE COURT: But she goes by Susan?

14 MR. EDWARDS: That's correct, Your Honor.

15 THE COURT: Okay. And Mr. Gossett represents  
16 William Jeffs. Mr. Davis represents Joseph Jeffs and Ms.  
17 Malonis represents Teresa.

18 MS. MALONIS: Yes, ma'am.

19 THE COURT: All right.

20 MR. EDWARDS: And did you say Ms. Jewett?

21 THE COURT: No. Who does she represent?

22 MR. EDWARDS: Susan from --

23 MS. JEWETT: I'm the attorney ad litem for Susan

24 Jeffs, Your Honor.

25 THE COURT: Okay. Thank you.

5

1 On Susan, they had mother listed as unknown.

2 MR. EDWARDS: On which child, Your Honor?

3 THE COURT: Susan Jeffs. The pleadings list

4 mother unknown, father unknown.

5 MR. EDWARDS: We have given that information

6 to -- but --

7 THE COURT: I know that you have. I'm sure that

8 you have. But the problem is is that we don't know how to

9 match things up until we get to here today.

10 MR. EDWARDS: Sure. The mother -- if the Court

11 please, I can give you that information now.

12 THE COURT: Just let me do it in my order.

13 MR. EDWARDS: Yes, ma'am.

14 THE COURT: Or not my order but in my own time.

15 Okay?

16 MR. EDWARDS: Yes, ma'am.

17 THE COURT: All right. Okay. So with regards to

18 Susan Jeffs, her mother is?

19 MR. EDWARDS: Annette Jeffs.

20 THE COURT: Okay. And what's Annette's date of

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21 birth? That would be on the sheet that the Department has  
22 given me. Well, no, Annette's date of birth's not on there.

23 What's your client's date of birth?

24 MR. EDWARDS: 1/1/62.

25 THE COURT: And the reason we're asking dates of

6

1 birth for the adults is that because there are a lot of names  
2 that are the same, it's -- rather than putting a birth  
3 certificate or -- it's an easier way -- or social security,  
4 it's an easier way to match up --

5 MR. EDWARDS: Differentiate.

6 THE COURT: Thank you for completing my  
7 sentence.

8 Okay. Susan Jeffs' father is?

9 MR. EDWARDS: Warren Jeffs.

10 THE COURT: And what -- do we know his date of  
11 birth?

12 MR. EDWARDS: 12/3/55.

13 THE COURT: All right. And Susan's date of  
14 birth is 7/7/99.

15 MR. EDWARDS: Yes, ma'am.

16 THE COURT: Okay. Now, I'm -- I'm -- since they  
17 didn't know who the parents were for Susan, I'm betting that  
18 your client hasn't been served with this one. Is that right,  
19 Mr. Edwards?

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20 MR. EDWARDS: She was served today.

21 THE COURT: She was served today?

22 MR. EDWARDS: Yes, Your Honor.

23 THE COURT: Okay. And has the -- since the  
24 father was listed as unknown, I'm guessing Mr. Jeffs has not  
25 been served on this or have you-all --

7

1 MS. GRIFFITH: The amended petition does name him  
2 and a citation was issued. He's not yet been served with that.

3 THE COURT: Okay. And does he have an attorney?

4 MS. GRIFFITH: None has appeared that I'm aware  
5 of.

6 THE COURT: None? All right.

7 So the Joseph Jeffs, we've got his date of birth  
8 as being 8/13/99. Now let me ask, you have him listed over  
9 here under Barbara's children on the state's exhibit. Are  
10 there two Joseph Jeffs?

11 MR. EDWARDS: May I try to explain to the best of  
12 my ability, Your Honor? The children on the left column are  
13 Annette's children. The children in the right column are the  
14 children of her deceased sister, Barbara. She has a power of  
15 attorney from the father to take care of those children. She  
16 has been acting as their de facto mother since the death of  
17 Barbara in 2004. And so she's appearing at various hearings on  
18 behalf of both her children and Barbara's.

19 THE COURT: Okay. All I'm trying to do is make  
20 sure that the Court's records are as accurate as is possible.  
21 And I realize you-all already know all this information and I'm  
22 not trying to be tedious. I'm just trying to make sure that my  
23 records can tell me when I pick up my docket sheet how these  
24 families are organized.

25 MR. EDWARDS: Yes, ma'am.

1 THE COURT: Okay? So, we -- we've got Joseph as  
2 being listed with his mother, being Barbara, who's deceased,  
3 and his father as being Warren.

4 MR. EDWARDS: Correct.

5 THE COURT: Okay. The next one that I have from  
6 this morning is William Jeffs. And now William we have is  
7 Annette Jeffs' son.

8 MR. EDWARDS: Yes, ma'am.

9 THE COURT: And his date of birth is 11/4/01.

10 MR. EDWARDS: Correct.

11 THE COURT: Okay. And then Teresa -- Teresa  
12 Jeffs, we have -- it says we have no answer on file by the ad  
13 litem, but I'm sure that's forthcoming, is that -- or it could  
14 have already been on file but just not made it to this file.

15 MS. MALONIS: Well, I filed it the day, the  
16 Monday after the 14-day hearing.

17 THE COURT: Okay. So, we'll --

18 MS. MALONIS: In fact, I filed a first amended  
19 answer, as well.

20 THE COURT: I'm sure you can understand that we  
21 may have not gotten it into this file yet.

22 MS. MALONIS: I do understand, Your Honor.

23 THE COURT: I apologize, but I -- all right. And  
24 we have her date of birth as being 7/26/91.

25 MS. MALONIS: Yes, ma'am.

1 MR. EDWARDS: Yes, ma'am.

2 THE COURT: Okay. And then Susan Jeffs, we've  
3 already gone over. So with that, we're good to go on the three  
4 children we have set for today. Now, I'm looking in here and  
5 it looks like we have other children set all through this.  
6 We've got one on the 2nd of June, the 30th, several on the  
7 30th, some on the -- one on the 28th, one on the 27th. The  
8 Court will probably ask you-all if it's possible to consolidate  
9 them all into the 30th, since that's when we have the majority  
10 of the children. Does that -- does that work?

11 MR. EDWARDS: It does for me, Your Honor.

12 THE COURT: Now, it doesn't look like we've had  
13 all of Barbara Jeffs' children in this grouping, or we may.

14 MS. GRIFFITH: Your Honor, I believe there's a  
15 total of eleven -- well, there's a total of twelve children,  
16 one of whom is being non-suited. So I believe it's eleven

17 children.

18 THE COURT: Okay. I only have ten here. So I've  
19 got two more children. And I've got eleven. I've got one more  
20 child some place we've got to locate. So I've got Joseph,  
21 William, Teresa, Lenora Jeffs, Susan Jeffs.

22 Now is this the Susan Jeffs that we had in the  
23 separate file over here? Is that -- I mean I -- I think -- I  
24 think that's correct that she had two settings. Did you have  
25 any indication she had two settings?

10

1 MS. JEWETT: No, Your Honor, I did not. And I  
2 was only listed for the hearing originally in Courtroom A.

3 THE COURT: Okay. So -- and you're Stacy; is  
4 that right?

5 MS. JEWETT: Your Honor, Stacy Jewett.

6 THE COURT: Because I see another ad litem listed  
7 as Jamie. But I see we substituted you in on this yesterday,  
8 so I'm hoping that we've got this, that we can get that  
9 all....

10 Okay. Well, on that case, I'm probably missing  
11 two kids. And what Peggy is saying, she thinks that -- that  
12 some of Barbara's children are listed separately and that we'll  
13 gather them in. And I'm going to try to get them all noticed  
14 for the 30th of May so we can get them all taken care of.

15 MR. EDWARDS: Thank you very much, Your Honor.

16 THE COURT: Okay. And if you-all know -- if  
17 y'all will help me out, if you know of a child that we've not  
18 put in this group that we need to do that, if you'll let us do  
19 that, we'll be glad to help out on that.

20 MR. EDWARDS: Thank you.

21 THE COURT: So -- all right. Which child are you  
22 going to be non-suiting?

23 MS. GRIFFITH: Your Honor, I have a notice on  
24 Lenora Jeffs. And I believe she's set on your docket for this  
25 afternoon.

1 THE COURT: Okay.

2 MS. GRIFFITH: And Mr. Edwards represented --  
3 well, was representing Lenora; is that correct?

4 MR. EDWARDS: Your Honor, I do represent her. It  
5 has been our belief from the beginning that she was an adult.  
6 And so I will represent her and a case involving her son James.  
7 And I don't recall when that's set. Do you know when --

8 JOLENA MILLER: Well, we don't know which case  
9 he's in.

10 MS. GRIFFITH: There was an attorney ad litem  
11 appointed for Lenora.

12 THE COURT: Berta Linton.

13 MS. GRIFFITH: And she filed a motion to  
14 withdraw, because she believed that Lenora was an adult.

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15 THE COURT: And the Court hadn't --

16 MR. EDWARDS: I think Justice Aboussie --

17 THE COURT: Justice Aboussie did sign that, but

18 I think the Court probably then appointed someone else as her

19 ad litem, so....

20 I see a letter from you, Mr. Edwards, saying you

21 were -- had been retained to represent her. All right. So

22 that takes care of my afternoon docket, huh, pretty much?

23 Except for Janet Jeffs.

24 MS. GRIFFITH: And, Your Honor, I'm trying to

25 clarify with my office a Janet Jeffs was non-suited yesterday

12

1 in another courtroom. But before I tell you it's the same

2 Janet Jeffs I would like to check on that.

3 THE COURT: Okay.

4 MS. GRIFFITH: May I offer you the notice of

5 non-suit on Lenora?

6 THE COURT: Yes, ma'am, please.

7 MS. GRIFFITH: I have an order, also.

8 THE COURT: Thank you.

9 And what type of identification or documentation

10 has the Department accepted in making this decision?

11 MS. GRIFFITH: Let me look at my file, Your

12 Honor. And I can speak in general. Unfortunately, I cannot

13 give you the specifics in this case. We're asking for birth

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14 certificates, drivers licenses. And we are also asking  
15 caseworkers or ad litem who have met with the children their  
16 opinion.

17 THE COURT: Okay. So are you getting certified  
18 copies of birth certificates from the state or verifying  
19 drivers licenses?

20 MS. GRIFFITH: We are verifying them with phone  
21 calls to various state agencies. We are not actually getting  
22 certified copies. But we are contacting either the license  
23 bureau in the state where the license was issued or the county  
24 clerk where the birth certificate was issued.

25 THE COURT: Okay. All right. Thank you. All

1 right. With that are we ready to proceed on the four children  
2 that we have here this morning?

3 MR. EDWARDS: We're ready.

4 MS. GRIFFITH: Yes.

5 MS. JEWETT: Yes, Your Honor.

6 MS. MALONIS: I'm ready. I've got another  
7 administrative question before we --

8 THE COURT: Sure.

9 MS. MALONIS: -- get underway. Is it Ms.  
10 Griffin?

11 MS. GRIFFITH: Yes.

12 THE WITNESS: You said a citation had been issued

13 for Warren Jeffs. Do you have a plan to get him served fairly  
14 soon? I would like for him to have the opportunity to  
15 participate.

16 MS. GRIFFITH: Yes. The citation was issued on  
17 the amended petition. I'm sorry, I don't want to mis-speak on  
18 the date, but it was overnighted to the Mohave County Jail and  
19 we've requested service there.

20 MS. MALONIS: Okay. I've got an address for  
21 service that I can get to you if that fails.

22 THE COURT: Other than the Mohave County Jail?

23 MS. MALONIS: I got -- I think I've got a  
24 prisoner ID number that my expedite service....

25 THE COURT: Okay. If you could help us out with

1 that.

2 MS. MALONIS: Okay.

3 THE COURT: All right. Any other administrative  
4 matters? No?

5 MR. EDWARDS: No, Your Honor.

6 THE COURT: All right.

7 MS. GRIFFITH: I would like to call Sandra  
8 ...(Inaudible.)

9 THE REPORTER: I'm sorry. What was the name?

10 MS. GRIFFITH: Hanson.

11 THE REPORTER: Thank you.

12 THE COURT: Have a seat please. Would you raise  
13 your right hand, please.

14 (Witness sworn.)

15 THE WITNESS: I do.

16 THE COURT: Thank you. You may proceed.

17 MS. GRIFFITH: Thank you.

18 SANDRA HANSON

19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. GRIFFITH:

22 Q. Please state your name.

23 A. Sandra Hanson.

24 Q. And how are you employed?

25 A. With the Texas Department of Family and Protective

15

1 Services.

2 Q. And are you a caseworker assigned to this case?

3 A. Yes.

4 Q. And in what capacity are you assigned to this case?

5 A. I am the child worker for William and Joseph.

6 Q. Okay. And have you made yourself familiar with the  
7 family situation so that you can testify today?

8 A. Yes.

9 Q. And who is the family worker?

10 A. Juan Martinez.

11 Q. Okay. And do you know any of the other child workers?

12 A. I do. Teresa's worker is Adrian -- Adriana Piniera,  
13 and Susan's is Adriana Alvarez.

14 Q. And the Department was given the authority at the  
15 14-day hearing to consent to medical care for these children.

16 Have -- has the Department designated individual persons to  
17 consent for medical care?

18 A. Yes.

19 Q. And is it the person at the facility and then the  
20 backup is the child worker?

21 A. Yes.

22 Q. And that's the case for each one of these children?

23 A. I believe so, yes.

24 Q. You are the medical backup, medical consenter for the  
25 children assigned to you?

1 A. Yes.

2 Q. Your understanding of the relationships in this case  
3 are that Annette Jeffs is the mother and/or care giver for  
4 these four children?

5 A. Yes.

6 Q. And of which -- and the father of all four children is  
7 Warren Jeffs?

8 A. Yes.

9 Q. Okay. Has anyone indicated to you that anyone else

10 may be a parent in this case?

11 A. Yes.

12 Q. Okay. And what information do you have in that  
13 regard?

14 A. I do know that Annette's sister Barbara Barlow is the  
15 biological mother to some of the children.

16 Q. Okay. And Barbara is deceased?

17 A. Yes.

18 Q. And how did you confirm that Barbara was deceased?

19 A. I spoke to both Annette Jeffs and her children.

20 Q. And the Department will follow-up and get a certified  
21 copy of the death certificate?

22 A. Yes.

23 Q. Has anyone indicated to you that Barbara's not  
24 deceased that we should be looking for her?

25 A. No.

1 Q. And you have no reason to doubt that information?

2 A. No.

3 Q. Are there any other persons that have been indicated  
4 to you as care givers or parents for these children?

5 A. No.

6 Q. Did the Department develop a plan of service for  
7 Annette Jeffs and Warren Jeffs in this case?

8 A. Yes.

9 Q. And is it the same plan for both of them?

10 A. Yes.

11 Q. Had that plan been reviewed with Mr. Warren Jeffs?

12 A. I don't believe it has been.

13 Q. Okay. Do you know if it has been sent to him?

14 A. I don't know that either.

15 Q. You know if Mr. Martinez has made contact with him?

16 A. I do not know that.

17 Q. All right. In regards to Annette Jeffs, has she had

18 an opportunity to review the service plan?

19 A. Yes.

20 Q. And did you review it with her or who did?

21 A. I believe it was Mr. Martinez.

22 Q. All right. And was she given a copy of her service

23 plan?

24 A. Yes.

25 Q. And did she sign her service plan?

1 A. She did.

2 Q. Did she make any changes to the service plan that the

3 Department filed with the Court?

4 A. She did add parent comments and she added hopes and

5 dreams for the children.

6 Q. In the Department's service plan it indicates that the

7 plan -- the goal of the Department is family reunification on

8 or before April 13th of 2009, correct?

9 A. Yes.

10 Q. And when the Department is referring in this  
11 particular case to family reunification we're referring not  
12 only to Annette's biological children but also to the children  
13 that she has been the primary care giver for if -- if a parent  
14 cannot be identified?

15 A. Yes.

16 Q. And these four children are included in the  
17 Department's goal to reunify with Annette Jeffs?

18 A. Yes.

19 Q. And the tasks that are identified in the family  
20 service plan, is the purpose of those tasks to achieve that  
21 reunification?

22 A. They are.

23 Q. Okay. Are you familiar with the tasks that are being  
24 requested?

25 A. Yes, I am.

1 Q. Okay. I'm going to ask you about each of them rather  
2 quickly. The Department is asking the parents to participate  
3 in parenting classes designed to address issues relating to  
4 abuse, correct?

5 A. Yes.

6 Q. And what is the purpose of that?

7 A. The purpose of the parenting classes are to help  
8 educate the parents about the legality of some of the parenting  
9 practices that they have had at the YFZ Ranch. And it also is  
10 to educate them on appropriate parenting techniques.

11 Q. And this is a little bit more specific than what you  
12 might see in a different CPS case?

13 A. Yes.

14 Q. And the Department will make a referral for these  
15 parenting classes?

16 A. Yes.

17 Q. Has that been done yet?

18 A. No, it has not.

19 Q. Has a parenting provider been identified?

20 A. Providers have been identified.

21 Q. Do you know which provider will be assigned to this  
22 case?

23 A. I do not.

24 Q. Do you know when those assignments will be made?

25 A. By at least June 1st, I've been told.

1 Q. And you understand that someone other than you is  
2 developing a list, correct?

3 A. Yes.

4 Q. And who will be making the referral?

5 A. Juan Martinez.

6 Q. And the Department is also asking the parents to  
7 participate in a psychological or psychiatric testing, correct?

8 A. Yes.

9 Q. What is the purpose of that?

10 A. The purpose of the psychological evaluation is to give  
11 an overall assessment of the parent, how they think and about  
12 their background. And it is a good starting point for other  
13 providers to be able to work with that parent.

14 Q. As a result of the psychological assessment, are there  
15 usually recommendations?

16 A. Yes.

17 Q. And one of the tasks on the Department's plan is that  
18 the parents cooperate and follow this recommendation?

19 A. Yes.

20 Q. And could that result in an amendment to this service  
21 plan depending on the results of the evaluation?

22 A. Yes, it could.

23 Q. The Department will make that referral?

24 A. Yes.

25 Q. And again that -- you don't know the name?

1 A. I do not.

2 Q. The Department is also asking the parents or care  
3 givers to participate in family or individual counseling,  
4 correct?

5 A. Yes.

6 Q. And what is the purpose of that?

7 A. The purpose of the counseling is, again, to educate  
8 the parent about legal parenting practices. It's also a venue  
9 for the parent to discuss any issues that they have had in  
10 their past that might be affecting their parenting. And it is  
11 also a place to discuss their current situation.

12 Q. Okay. And the Department will make that referral  
13 also?

14 A. Yes.

15 Q. Okay. In regards to the DNA testing which is one of  
16 the tasks, do you know whether or not Ms. Jeffs has  
17 participated?

18 A. I believe she has.

19 Q. Okay. And do you know whether or not a sampling has  
20 been collected from Mr. Jeffs?

21 A. I don't believe so.

22 Q. Is that being something that will be requested and  
23 arranged through the office of the Attorney General and  
24 whatever arrangements they have?

25 A. Yes.

1 Q. You're also asking that the parents identify the other  
2 parties or other parents in this case, correct?

3 A. Yes.

4 Q. And Ms. Jeffs has been cooperative with that?

5 A. Yes, she has.

6 Q. One of the goals is that the parents establish a safe  
7 living arrangement. And, specifically, as part of that, to  
8 provide information about their financial resources and  
9 budgeting, correct?

10 A. Yes.

11 Q. Why is that important to the Department?

12 A. The Department needs to know how the parents are going  
13 to be able to financially provide for their children. The  
14 Department needs to know where they're getting their income and  
15 if it will last or if it will be -- if it's only temporary.

16 Q. Okay. At this time has anyone had a chance to talk to  
17 Ms. Jeffs about that?

18 A. I don't have that information.

19 Q. If there are referrals needed to assist in financial  
20 needs, such as food stamps or Medicaid, will the Department  
21 help Ms. Jeffs in accessing those resources?

22 A. Yes.

23 Q. The Department's also asking that the parents inform  
24 the Department of the current living arrangements, including  
25 persons living in the same building, correct?

1 A. Yes.

2 Q. Okay. There's been a lot of dispute about that. What

3 is the purpose of this task?

4 A. To make sure that the children are in a safe  
5 environment.

6 Q. And the term "building" is going to depend on a  
7 case-by-case basis as to what living arrangements are set up,  
8 correct?

9 A. Yes.

10 Q. You're not asking her to go door to door and find out  
11 everybody who lives in an apartment complex, are you?

12 A. No.

13 Q. In regards to the history of education for the  
14 children, the Department's asking for information about each of  
15 the children's education, correct?

16 A. Yes.

17 Q. Is it your understanding that some or all of these  
18 children have been home schooled?

19 A. Yes.

20 Q. And do you need that information to help assess where  
21 that -- what their educational needs are?

22 A. Yes.

23 Q. Has Ms. Jeffs provided any of that yet?

24 A. Yes, she has.

25 Q. In regards to following recommendations of

2 parents, that -- that could affect the service plan, correct?

3 A. Yes, it could.

4 Q. Okay. And you're asking the parents cooperate with  
5 whatever is recommended?

6 A. Yes.

7 Q. The Department is also going to consult with those  
8 professionals to get feedback?

9 A. Yes.

10 Q. The Department's asking that the child placement  
11 resources form be completed. Do you know if Annette has done  
12 that?

13 A. I don't know that.

14 Q. And do you know if Mr. Jeffs has been provided with  
15 that form?

16 A. I don't know that either.

17 Q. The Department is also asking that the parents visit  
18 and that those visits be appropriate, correct?

19 A. Yes.

20 Q. Has Ms. Jeffs been visiting these children?

21 A. Yes, she has.

22 Q. And she's visiting not just her biological children,  
23 but the children that she's been caring for?

24 A. Yes.

25 Q. And the Department wants to continue that?

1 A. Yes.

2 Q. Approximately how often is she visiting?

3 A. I believe weekly.

4 Q. You're also asking that the parents participate in  
5 educational and vocational testing, correct?

6 A. Yes.

7 Q. Do you know whether or not that's something that Ms.  
8 Jeffs is going to need assistance with?

9 A. I do not know that at this time.

10 Q. That's something that also could be amended in the  
11 service plan?

12 A. Yes.

13 Q. And the Department is going to give her the referral  
14 so she can get these assessments?

15 A. Yes.

16 Q. And the Department has a catch-all task that as  
17 changes occur additional tasks may be added to the plan,  
18 correct?

19 A. Yes.

20 Q. And that will be discussed with the parent?

21 A. Yes, it will.

22 Q. In regards to the visits and the placement of these  
23 children, can you tell us where these four children are placed?

24 A. Teresa is placed at High Sky in Midland. Susan is at  
25 Baptist Children's Home in Gonzales. William and Joseph are

1 both at Cal Farley's Boys Ranch.

2 Q. Ms. Jeffs is attempting to visit, I guess, eleven

3 children at this time, correct?

4 A. Yes.

5 Q. And they are in how many different placements?

6 A. I'm not sure how many total placements.

7 Q. Four or five?

8 A. Correct.

9 Q. All of the boys are placed together, correct?

10 A. Yes.

11 Q. Is it the Department's intention to attempt to -- to

12 group these children, although some are cousins, but to group

13 them as a sibling group and try to get them all together?

14 A. Yes.

15 Q. Okay. Is it difficult to find a placement for eleven

16 children in one place?

17 A. Yes, it is.

18 Q. But it is the Department's intention to at least try

19 to group these children into less placements?

20 A. Yes.

21 Q. And do you know for certain whether there are any

22 definite plans at this time?

23 A. I know that we are going to try to move Hanna to be

24 with siblings.

25 Q. Hanna is the only one who is not currently with a

1 sibling, correct?

2 A. Yes.

3 Q. And the attempt is to move her where? Do you know?

4 Is it to Baptist --

5 A. To Baptist Children's Home, yes.

6 Q. But that's not been approved yet?

7 A. No.

8 Q. And, again, the Department's plan is family

9 reunification, correct?

10 A. Yes.

11 Q. And if Ms. Jeffs and Mr. Jeffs are able to accomplish

12 the tasks on this plan, do you think that that will work

13 towards achieving that goal?

14 A. Yes.

15 Q. And did you file the service plan with this Court on

16 or about May 18th?

17 A. Juan Martinez did.

18 Q. Okay. And are you asking the Court to approve the

19 plan that the Department filed?

20 A. Yes.

21 MS. GRIFFITH: I'll pass the witness.

22 CROSS EXAMINATION

23 BY MR. EDWARDS:

24 Q. Ms. -- is it Hensen or Hanson?

25 A. Hanson.

1 Q. You've met William and Joseph; is that correct?

2 A. Yes, I have.

3 Q. How many times have you seen them?

4 A. I have seen -- I've visited them with -- specifically  
5 with them twice. But I've seen them at least four times.

6 Q. Okay. Do they appear to be in good health?

7 A. Yes.

8 Q. Does it appear that in the care of Annette Jeffs they  
9 have received appropriate care?

10 A. I don't know what kind of care they were given before  
11 they came into foster care.

12 Q. Well, they don't look to you like anything but  
13 healthy, normal children, do you they?

14 A. No, they don't.

15 Q. Now as far as the sibling reunification to the extent  
16 that you can group the -- the kids, that will be a positive  
17 thing for the children to be together, will it not?

18 A. Yes.

19 Q. And in addition it will facilitate their being visited  
20 by Annette so she could see these kids without driving all over  
21 the State.

22 A. Yes.

23 Q. And -- and the Department has indicated it's going to  
24 make a good faith effort to accomplish that as soon as

25 possible.

29

1 A. Yes.

2 Q. Have you personally met with Annette Jeffs?

3 A. I have met with her, yes.

4 Q. Okay. Mr. Martinez has met with her by phone and I  
5 know -- do you know whether he's met with her in person?

6 A. No, I don't know.

7 Q. Do you -- in your meeting with her, did you become  
8 aware of the fact that she has moved away from the Ranch?

9 A. Yes.

10 Q. And did you learn that she has obtained housing in San  
11 Antonio, Texas, to try to be in a somewhat of a central  
12 location to facilitate visiting kids in separate placements?

13 A. Yes.

14 Q. And you think that's an appropriate and positive step  
15 that she has taken?

16 A. Yes, I do.

17 Q. Are you aware that she has voluntarily already  
18 submitted herself to a psychological evaluation by Dr. Jarvis  
19 Wright?

20 A. No, I was not aware.

21 Q. Okay. If that would be the case, do you think that is  
22 a positive and appropriate thing for her to have done?

23 A. Yes.

24 Q. Does that indicate to you that she intends to be  
25 cooperative and compliant with -- with you, with Mr. Martinez,

30

1 with the Department and with the Court?

2 A. Yes.

3 Q. Has she been cooperative with you in your dealings  
4 with her?

5 A. Yes.

6 Q. Did you know that she had submitted to the Court a  
7 proposed alternative family service plan?

8 A. No.

9 Q. If she committed, in writing, in the family service  
10 plan that she would provide her children with a safe, stable,  
11 loving and nurturing home environment, that would be a positive  
12 and appropriate thing, would it not?

13 A. Yes.

14 Q. That's -- bottom line, that's what this Department is  
15 asking for?

16 A. Yes.

17 Q. And if she committed, in writing, that she would not  
18 condone or permit marriage of her children under the age of  
19 eighteen years and she would obey Texas law regarding that  
20 matter at all times, that's also positive and appropriate?

21 A. Yes.

22 Q. And that's the kind of commitment that the Department

23 is looking for?

24 A. Yes.

25 Q. You've already said it's a good thing she's obtained

31

1 housing and moved away from the ranch. If she's committed to  
2 obtain employment or some means of supporting herself through  
3 prior training and skills, that's what the Department needs and  
4 wants?

5 A. Yes.

6 Q. If she's committed that she will protect her children  
7 from any form of abuse or neglect, be it physical, sexual or  
8 emotional abuse, that's also appropriate?

9 A. Yes.

10 Q. If she's committed, in writing, that she would work  
11 with the children to see that their education continues to  
12 progress satisfactorily and to encourage them to have a good  
13 and positive attitude towards higher education towards their  
14 education, and to do their best in school at all times, that's  
15 also positive and appropriate, is it not?

16 A. Yes.

17 Q. And if she has committed, if and when directed by CPS  
18 to do so, she would attend counseling that's appropriate and  
19 positive?

20 A. Yes.

21 Q. And if she's committed that she would attend parenting

22 training as required, that's a positive and appropriate thing?

23 A. Yes.

24 Q. And, finally, if she has stated in writing that: I

25 will not engage in inappropriate conduct or conversations

32

1 during visits with my children, that's also positive and

2 appropriate and what the Department would want?

3 A. Yes.

4 Q. And I left out the fact that -- that she's

5 committed, that she will refrain from discussing this

6 litigation. You agree that none of the parents should be

7 talking about this pending litigation with any of the children;

8 is that correct?

9 A. That is correct.

10 Q. Thank you. If -- ma'am, is it your understanding with

11 the Department's goal being ultimately reunification, we

12 understand and we've been told and we believe and accept that

13 as this process moves forward these plans are going to be --

14 become more customized and more individualized to meet specific

15 circumstances of individuals like Annette.

16 A. Yes.

17 Q. We're starting off with kind of a mass plan, but the

18 Department intends to personalize it and individualize it as --

19 as you get into the case; is that correct?

20 A. Yes.

21 Q. And as you individualize the handling of the case and  
22 the assessment of the individual parents, do you foresee  
23 that -- as this case progresses, that when parents demonstrate  
24 adequate levels of performance and compliance with the tasks  
25 required by the plan, that at some point in time the Department

33

1 might begin the process of monitored return of children to  
2 parents whose compliance and behavior is justified?

3 A. Yes.

4 MR. EDWARDS: Thank you. Pass the witness.

5 THE COURT: Mr. Davis.

6 CROSS EXAMINATION

7 BY MR. DAVIS:

8 Q. Ms. Hanson, my name's Jonathan Davis. I'm the  
9 attorney ad litem for Joseph. There's been some concern about  
10 immunization of the children expressed from both sides of this  
11 matter. And I would like to get your take on what the  
12 Department's plans are with regard to immunizing Joseph.

13 A. Licensing requires that children are immunized.  
14 However, at this time we are not forcing the children to have  
15 immunizations.

16 Q. Do you anticipate that changing, that policy changing,  
17 in the sense of not requiring?

18 A. I can't answer that for the future.

19 Q. What sort of notice will be given to the parents

20 concerning immunizing?

21 THE COURT: I'm sorry.

22 MS. GRIFFITH: Objection, Your Honor. I believe  
23 we're outside the scope of the status hearing or reviewing the  
24 service plan.

25 THE COURT: Mr. Davis.

34

1 MR. DAVIS: Well, Your Honor, there are just a  
2 few things that are of interest to me with regard to my child:  
3 immunizations, education. And these are -- these are things  
4 that are being done under the Department's control, totally  
5 without our control. And so I think that it's appropriate that  
6 we understand exactly what -- what's going to happen with the  
7 child in the next few weeks and months. And these are just a  
8 few of the basics and specifics too as required by the  
9 statute.

10 THE COURT: Ms. Griffith?

11 MS. GRIFFITH: I -- I understand and appreciate  
12 the questions in regards to the current situation. She's  
13 answered the current situation in regards to immunization. But  
14 I believe we were going into what kind of notice will be given,  
15 what are the plans in the future, and she said she couldn't  
16 address the plans of the future in that regard.

17 MR. DAVIS: If she -- if she knows, great. If  
18 she doesn't know, fine. To the extent I can get notice that my

19 child is going to be immunized, I would like to know that. And  
20 if -- if it's possible, she can commit to it, great. The plan  
21 is so -- it lacks so many specifics that there are just a few  
22 areas that affect the kids that I would like to have addressed,  
23 and this -- immunization and education assessment.

24 THE COURT: Why don't we go to the educational  
25 assessment.

35

1 Q. (MR. DAVIS) You've indicated that there's going to be  
2 an educational assessment. When is that going to be completed?

3 A. I don't have a date for that.

4 Q. How will that be done?

5 A. I believe that the Department is working with the  
6 Texas Education Agency to form an appropriate testing  
7 mechanism. And I'm not sure when that will be completed. But  
8 once that is, then the test will be administered to the  
9 children.

10 Q. Do we anticipate that happening within thirty days,  
11 sixty days, ninety days, a hundred twenty days?

12 A. I do not have any personal knowledge of that date.

13 Q. The Department has allowed Annette Jeffs to have  
14 visitation of Joseph. Is there any specific commitment by the  
15 Department with regard to how much visitation she's -- she's to  
16 be allowed or she is allowed presently?

17 A. She is allowed weekly visitation. At this time I know

18 that at the different facilities she's getting a different  
19 amount of time, maybe at each place. With Joseph,  
20 particularly, she's getting two hours a week.

21 Q. And that's two hours that's being shared with how many  
22 other siblings?

23 A. Five other siblings.

24 Q. Are there any criteria the Department has with regard  
25 to the amount of time she's allowed to spend with any

36

1 individual child?

2 A. We don't have specific policy about how many hours you  
3 get with an individual child.

4 Q. Is there any reason why it couldn't be longer?

5 A. Right now it's not longer because we're in the initial  
6 stages of observing the visitation, make sure -- making sure  
7 that it's appropriate. And as time progresses I know that our  
8 goal is to increase visitation.

9 Q. Is Joseph presently being schooled?

10 A. Not in a traditional sense, no.

11 Q. In a non-traditional sense is he?

12 A. The educational materials that have been provided to  
13 Joseph, he is getting access to those, and the older boys at  
14 the facility are facilitating the teaching.

15 Q. That's materials that were provided by Annette?

16 A. Yes.

17 Q. And that's the limit of the schooling that's being  
18 done right now?

19 A. At this time.

20 Q. Are you aware of any other plans by the Department to  
21 provide any more formalized education for Joseph, say, within  
22 the next thirty to sixty days?

23 A. I believe that we are waiting on the educational  
24 assessment.

25 Q. But you don't know when that's going to happen?

37

1 A. I don't.

2 MR. DAVIS: Thank you. That's all the questions  
3 I have, Your Honor.

4 THE COURT: Thank you. Mr. Gossett.

5 MR. GOSSETT: Yes.

6 CROSS EXAMINATION

7 BY MR. GOSSETT:

8 Q. Attorney -- one of the two appointed attorney ad  
9 litem for William. With regards to the counseling and  
10 parenting classes that your Department intends to require,  
11 will there be any effort to modify or tailor those with respect  
12 to the religious beliefs of the parties that do not violate the  
13 laws of the United States and the State of Texas?

14 A. I know that the Department is currently working with  
15 the providers to educate them on the culture and religion of

16 these people and -- so the providers will be able to address  
17 those issues.

18 Q. Okay. But my question is, will that counseling and  
19 those issues respect those religious beliefs that do not  
20 violate the laws of the United States and the State of Texas?

21 A. As far as I know.

22 MR. GOSSETT: No other questions.

23 THE COURT: Thank you. Whichever one, ladies.

24 MS. MALONIS: I'll reserve my question for  
25 Teresa's caseworker, Ms. Pineira.

1 THE COURT: Okay. Are you going to put on --

2 MS. GRIFFITH: I was not intending to call any  
3 other workers.

4 THE COURT: Because she can call her.

5 MS. MALONIS: I can call her.

6 THE COURT: Is her caseworker here?

7 MS. MALONIS: Yes, ma'am.

8 THE COURT: Okay. Good.

9 MS. JEWETT: I would also like to reserve my  
10 questions for Adriana Alvarez.

11 THE COURT: Okay.

12 MS. GRIFFITH: I have nothing else.

13 THE COURT: I have a question. Looking on the  
14 service plan, it doesn't seem like any of the dates are filled

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15 in. I mean, not dates for when tasks are to be accomplished,  
16 but such as on the column -- the far right-hand side, it says,  
17 "date created." None of that was filled in. Is that because  
18 this caseworker didn't fill in? Is that -- I don't really  
19 think it makes much of a difference.

20 THE WITNESS: I don't know why it wouldn't be  
21 filled in.

22 THE COURT: But I'm assuming this plan was done  
23 about the 14th of May, because Ms. Jeffs signed it on the 14th.  
24 So it was certainly done by then; is that right?

25 THE WITNESS: Yes.

39

1 THE COURT: There's -- no one has any problem?  
2 It shouldn't cause anybody heartburn on it, but I just wanted  
3 to make sure we all looked at that.

4 Thank you. You may step down.

5 THE WITNESS: Thank you.

6 MS. GRIFFITH: Nothing else, Your Honor.

7 THE COURT: All right. I'll ask Mr. Edwards.

8 MR. EDWARDS: Your Honor, other than the --

9 THE COURT: Argument is all you've got to go?

10 MR. EDWARDS: Yes, ma'am. Thank you.

11 THE COURT: All right. We'll move on then. Now,  
12 if you would like to call a case worker.

13 MS. MALONIS: Yeah, I would like to call Adriana

14 Pineira.

15 THE COURT: All right, thank you. Ms. Malonis.

16 MS. MALONIS: May I question the witness seated?

17 THE COURT: Oh, absolutely.

18 MS. MALONIS: Thank you.

19 THE COURT: Would you raise your right hand.

20 (Witness sworn.)

21 THE WITNESS: Yes, Your Honor.

22 THE COURT: Thank you very much. You may

23 proceed.

24

25

1 ADRIANA PINEIRA

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. MALONIS:

5 Q. Good morning.

6 A. Good morning.

7 Q. Would you state your name, please.

8 A. Adriana Pineira.

9 Q. And are you Teresa Jeffs' child worker?

10 A. Yes, ma'am.

11 Q. How much contact weekly do you have with Teresa?

12 A. Any -- anywhere between two to three times a week.

13 Q. Okay. And she is placed in Midland; is that correct?

14 A. Correct.

15 Q. All right. Has -- has an educational assessment been  
16 done for Teresa?

17 A. Yes, ma'am.

18 Q. And do you have any preliminary or final results from  
19 that testing?

20 A. We do not have the results yet. However, the persons  
21 who conducted the ARD, the admission review dismissal report,  
22 did express that the children that are in the home were well  
23 beyond target.

24 Q. Okay. And does -- just as far as your observations of  
25 and interactions with Teresa, does she appear to be an

41

1 intelligent sixteen year old?

2 A. Yes, ma'am.

3 Q. Have you noticed any kind of deficits in her intellect  
4 or -- or education that would give you concern?

5 A. No, ma'am.

6 Q. Have you had any contact or -- have you had any  
7 contact with or has anybody at that facility that you're aware  
8 of had contact with Teresa's father?

9 A. No, ma'am, not to my knowledge.

10 Q. Have there been any discussions about how to include  
11 him in this process?

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12 A. Nothing's been discussed as to what services or how  
13 we're going to incorporate his feedback with the children's --  
14 you know, child plan of service. That still hasn't been  
15 disclosed.

16 Q. Okay. Have there been any discussions about  
17 contacting him or at what point he's going to be included in  
18 the process?

19 A. No, ma'am.

20 Q. Do you -- do you have any -- do you have an idea when  
21 that might take place?

22 A. No, ma'am, I don't.

23 Q. Is there a plan to include him?

24 A. Yes, ma'am.

25 Q. Generally?

42

1 A. Generally, by policy we are to contact both birth  
2 parents.

3 Q. Okay. Do you -- at what point did you learn who --  
4 the identity of Teresa's father?

5 A. My first initial visit she did disclose to me that her  
6 father was Warren Jeffs.

7 Q. Okay. And is there a reason that he has not been  
8 contacted?

9 A. I have no reason for that.

10 Q. Okay. Are there any particular policies at the

11 Midland facility with respect to Mr. Warren Jeffs?

12 A. As far as what? I'm sorry.

13 Q. Are -- are there any policies at all at the facility

14 regarding Mr. Jeffs?

15 A. I was advised by the persons who are overseeing the

16 project that we were not allowing anything depicting Warren

17 Jeffs.

18 Q. Does that apply to all of the children?

19 A. Yes, ma'am. However, I do want to mention that some

20 of the items that both -- that Teresa has, I'm not going to

21 force those things and pry those things away from her, which

22 include a photo album of her father.

23 Q. Okay. And what is your understanding for this policy

24 not to allow pictures of Mr. -- of Teresa's father?

25 A. Well, due to the fact that he is currently

43

1 incarcerated for sexual assault to a minor. Therefore, by

2 policy, it is not in the children's best interest to continue

3 to have contact regarding the perpetrator.

4 Q. And would that be a -- a policy that would be

5 Department wide, not just specific to this case?

6 A. That is correct.

7 Q. Does that present particular difficult issues with

8 respect to Teresa?

9 A. Very much so.

10 Q. And is there -- is -- has the -- has the staff and --  
11 discussed with you a way of dealing with that, with those  
12 difficulties?

13 A. We do have a therapist that addresses any issues at  
14 any point of time if they wish to speak with -- with Jay  
15 Holguin, (sic) who I believe is the therapist. However, it's  
16 to their discretion as to what they're going to disclose.

17 Q. Okay. Has Teresa participated in any type of  
18 counseling related to that issue in particular?

19 A. No, ma'am.

20 Q. Has she spoken with you personally about that?

21 A. Yes, ma'am, very impersonal, though.

22 Q. What is her -- what is her demeanor?

23 A. Well, she's really wanting to have pretty much  
24 everything: her own CDs, the Ipods, that it also includes  
25 sermons regarding Warren Jeffs and so forth. And she would

1 like to continue to have things that are about him.

2 MS. MALONIS: Objection, non-responsive.

3 Q. I asked you about her demeanor, her mood --

4 A. Oh, I'm sorry.

5 Q. -- with respect to that issue.

6 A. Oh, well, she did get upset.

7 Q. Okay. Would -- would you agree that it's important to  
8 have a -- a particular plan in place for dealing with that

9 particular difficulty with respect to Teresa?

10 A. Yes, ma'am.

11 Q. Okay. Is that going to happen as far as you know?

12 A. Yes, ma'am.

13 Q. Okay. Would you also agree that the -- that the  
14 service plan as written would be difficult for Teresa's father  
15 to carry out?

16 A. I'm not sure.

17 Q. Okay. You have the service plan for the parents,  
18 correct?

19 A. I don't have that with me.

20 Q. And I don't either.

21 MR. EDWARDS: May I provide one?

22 THE COURT: It's your copy or the Department's.  
23 Let's let the Department provide theirs.

24 MS. MALONIS: Thank you.

25 MS. GRIFFITH: Your Honor --

45

1 THE COURT: Yes.

2 MS. GRIFFITH: -- may I address the Court on this  
3 issue? We are aware of the problem in regards to the specific  
4 children of Mr. Jeffs. And once the DNA testing is returned,  
5 the Department, program staff and legal staff are working on  
6 developing what the limitations will be. I'm not sure how much  
7 this caseworker can address the specifics of that.

8 MS. MALONIS: Okay.

9 THE COURT: And is it that you're trying to take  
10 into account the fact that he is the biological father; and so  
11 even if he is a convicted sex offender, he might have different  
12 rights than he would as just a member of -- of an extended  
13 family, is that --

14 MS. GRIFFITH: As to his own children, yes,  
15 there would be different rights in regards to his contact with  
16 his own children or photographs or things they could receive  
17 regarding him.

18 THE COURT: So the Department, from what the  
19 caseworker testified, it sounds like they're making some  
20 exceptions in that she's been allowed to keep the family album  
21 that has pictures, whereas other children that have been  
22 removed from -- from the ranch, if they are not biologically  
23 related to Mr. Jeffs are not being allowed to keep that type of  
24 documentation.

25 MS. GRIFFITH: That is correct.

1 THE COURT: Okay.

2 MS. MALONIS: Okay. May I approach the witness,  
3 Your Honor?

4 THE COURT: Yes, ma'am. If you want to just kind  
5 of hand it across.

6 MS. MALONIS: I would like to.

7 Q. (MS. MALONIS) I'm handing you what the Department has  
8 just handed me, which is the -- which is the service plan for  
9 Annette Jeffs and Warren Jeffs with respect to Teresa Jeffs.  
10 If you'll just glance through those tasks for a moment.

11 A. Okay.

12 Q. Would you agree that there's going to be varying  
13 ability to comply with that with respect to Annette Jeffs and  
14 Warren Jeffs, as far as seeking job training, and because of  
15 their living situations?

16 A. In reference to -- to Mr. Warren Jeffs, yes.

17 Q. Okay. So just because their names are both listed on  
18 the service plan, and the service plan is exactly the same,  
19 that doesn't mean they're going to be treated the same; is that  
20 correct?

21 A. That is correct.

22 Q. Okay. Have you met Ms. Annette Jeffs?

23 A. Yes.

24 Q. Have you -- how much time have you spent with her?

25 A. I visited with her approximately two or three times

1 during her visit with two of her children.

2 Q. Okay. And how many visits has she had with Teresa?

3 A. Approximately two or three.

4 Q. Okay. Has she visited every opportunity she's had?

5 A. Yes, ma'am.

6 Q. That she's been permitted to?

7 A. Yes.

8 Q. Is Teresa receiving any type of -- of education?

9 A. At this time they just completed the assessments and  
10 so we've asked Midland Independent School District to take --  
11 to make an assessment of her school materials. And they're  
12 going to decide what approach they're going to take from there  
13 on out.

14 Q. Okay. How -- how soon do you anticipate or what is  
15 the soonest you anticipate some type of education being given  
16 to the children in High Sky?

17 A. I don't want to give you an approximation, because I'm  
18 not sure as to when that's going to take place.

19 Q. Okay. Has Teresa stated to you what her priorities  
20 are as far as her goals in this process?

21 A. Yes, ma'am.

22 Q. And what are those?

23 A. One of the goals is that she wants to be placed with  
24 her siblings. And another goal that she's mentioned to me is  
25 that she wants to go back home.

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1 Q. Okay. When -- when Teresa says "go back home," is it  
2 your understanding that she means live with her mother?

3 A. Yes, ma'am.

4 Q. And that does not specifically mean go back to the

5 Ranch; is that your understanding?

6 A. Yes.

7 Q. Okay. Would you say that it is -- it is equally or  
8 near equally important for Teresa to be reunited with her  
9 siblings as it is with her mother?

10 A. Yes, ma'am.

11 Q. Okay. Do you think that's a goal that -- that should  
12 be looked into as far as trying to get that accomplished for  
13 the well-being of Teresa and her siblings?

14 A. Yes, ma'am.

15 Q. Will you work for that to happen?

16 A. Yes, ma'am.

17 MS. MALONIS: Okay. I pass the witness.

18 THE COURT: Thank you. Ms. Jewett?

19 MS. JEWETT: I have no questions of this witness.

20 THE COURT: Yes, Mr. Edwards.

21 MR. EDWARDS: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. EDWARDS:

24 Q. You said you met with Annette Jeffs two or three  
25 times?

1 A. Yes, sir, approximately.

2 Q. Did that happen in Midland?

3 A. Yes.

4 Q. And in connection with her visits with Teresa?

5 A. Correct.

6 Q. And would you say that Annette has been cooperative in  
7 her dealings with you?

8 A. Yes, ma'am -- yes, sir.

9 Q. Has she indicated to you consistently that she wants  
10 to do anything and everything required of her to get all of her  
11 children including Teresa back in her possession?

12 A. She has not expressed that directly to me. I have  
13 overheard her tell her children that, yes, sir.

14 Q. Well, speaking of that, were you present during her  
15 visit with Teresa?

16 A. Yes, sir.

17 Q. Or visits? Was Annette appropriate in her -- in her  
18 behavior and conduct during those visits?

19 A. Yes, sir.

20 Q. Have you had any occasion to need to request the  
21 assistance of Annette to counsel her daughter Teresa about her  
22 behavior while in placement?

23 A. Yes, sir.

24 Q. There's been some problems with Teresa's behavior, has  
25 there not?

1 A. Yes, sir.

2 MS. GRIFFITH: Objection.

3 THE COURT: I'm sorry, Mr. Edwards.

4 MS. GRIFFITH: Your Honor, I believe we're  
5 getting outside the scope of a status hearing.

6 THE COURT: Mr. Edwards.

7 MR. EDWARDS: I'll withdraw the question, Your  
8 Honor.

9 THE COURT: Thank you, Mr. Edwards.

10 MR. EDWARDS: Pass the witness.

11 THE COURT: Mr. Gossett.

12 MR. GOSSETT: No questions.

13 THE COURT: Mr. Davis?

14 MR. DAVIS: (Shook head.)

15 MS. GRIFFITH: Nothing.

16 THE COURT: Thank you. You may step down.

17 THE COURT: Anyone -- Ms. Jewett.

18 MS. JEWETT: Your Honor, can I call Adriana  
19 Alvarez to the stand?

20 THE COURT: Yes, ma'am. Would you raise your  
21 right hand.

22 (Witness sworn.)

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. JEWETT:

5 Q. Would you please state your name for the record.

6 A. Adriana Alvarez.

7 Q. And are you the caseworker for Susan Jeffs?

8 A. Yes.

9 Q. And what is her date of birth?

10 A. I believe we have that July of '98, if I'm not  
11 mistaken. But I heard December, so I'm not sure what exactly.

12 Q. If I represented to you that it was 7/7 of '99, would  
13 that sound correct?

14 A. Yes.

15 Q. Just to be sure we're talking about the same child.

16 A. Yes.

17 Q. Are you the caseworker for any other of Annette's  
18 children?

19 A. Amber.

20 Q. For Amber?

21 A. But it's not her biological child.

22 Q. And have you visited with Susan?

23 A. Yes.

24 Q. And where is she currently placed?

25 A. She's currently placed in Gonzales, Texas.

1 Q. And do you have any intentions in the immediate future  
2 to move Susan to another facility?

3 A. At this time, no. We're actually trying to see if we  
4 can get her sibling that's out of town to her placement.

5 Q. Have you identified, knowing that Warren Jeffs is  
6 incarcerated in Arizona, have you identified another father  
7 figure who resided in the household at the Ranch that has been  
8 a care giver for Susan?

9 A. No, not at this time.

10 Q. Do you know and to use -- to use their words, do you  
11 know whether or not Annette Jeffs has been reassigned to  
12 another man?

13 A. At this time, no.

14 Q. Okay. Are you aware of any objections that Ms. Jeffs  
15 has made to the service plan regarding recommendations in  
16 connection with the psychological or psychiatric evaluation?

17 A. No.

18 MS. JEWETT: Okay. I have no further questions.

19 THE COURT: Ms. Griffin?

20 MS. GRIFFITH: I have no questions.

21 MR. EDWARDS: None.

22 MR. GOSSETT: None.

23 MR. DAVIS: None.

24 MS. MALONIS: No questions.

25 THE COURT: Thank you. You may have a seat.

1 Anything else?

2 MR. EDWARDS: I have no witnesses, Your Honor.

3 MR. DAVIS: No witnesses.

4 MR. GOSSETT: No witnesses.

5 MS. JEWETT: Nothing further, Your Honor.

6 THE COURT: All right. I guess now is the part  
7 about discussion, not really argument, because it's a  
8 discussion of the service plan.

9 Mr. Edwards, we'll let you go first.

10 MR. EDWARDS: Thank you, Your Honor. The Court  
11 knows and the Department knows and counsel know that we have  
12 filed objections to the plan which are in large part typical of  
13 objections raised in previous hearings by other counsel. I  
14 will not belabor those.

15 The -- the Court from observing other hearings  
16 earlier in the week and from the things I've read and heard in  
17 the media, it's -- I am confident that is the intention of the  
18 Court and the Department to move from a -- from an attempt to  
19 get the process started with a plan that -- that some have  
20 referred to as a template, toward individualized, customized  
21 plans that fit the individual circumstances of each parent.

22 I feel good about that. I think that as the  
23 process goes forward and each individual is judged on his or  
24 her performance, that -- that that will give the Court and the  
25 Department an opportunity and a basis to make informed

1 judgments in the best interest of the children, including at  
2 such appropriate time that that may occur, monitored return of  
3 the children to see how that goes well before the -- the  
4 conclusion of the -- of the case.

5 THE COURT: Thank you. Mr. Davis?

6 MR. DAVIS: Your Honor knows that I'm fairly  
7 ignorant about CPS cases and I hate to admit it, but it's  
8 actually true. And I've done a lot of reading and the first  
9 thing I read in the statute is it's supposed to be -- the  
10 plan's supposed to be specific. And we don't have any real  
11 specificity here that I can take back to my client and say:  
12 This is what's going to happen; this is when this is going to  
13 happen. So my concern has been with regard to the specifics  
14 and lack thereof.

15 I understand from what's been said here today,  
16 that those specifics are going to slowly be filled in. And I  
17 intend to monitor that and hope to have some influence to make  
18 sure that happens. I'm concerned about his education, making  
19 sure that he's assessed as quickly as possible and his  
20 education resumes. I think it's critical for the young man.

21 I'm also concerned about his immunizations,  
22 because his mom has expressed that concern to me. And I'm --  
23 I'm passing that along, as well.

24 THE COURT: Is it a concern to not be immunized  
25 or is it --

1 MR. DAVIS: I want to know what he's going to be  
2 immunized for and when it's going to happen. And I want to  
3 have appropriate input to make sure that's in his best  
4 interest. I don't have a clue what they're talking about, all  
5 the immunizations. But I would like to know.

6 And I understood that a bunch of the children had  
7 been immunized already, and -- but when I talked to Joseph  
8 yesterday, he said he had not. Okay, that's fine. But it's  
9 this big unknown.

10 But the educational aspect, the visitation  
11 aspect, the immunization aspects, are all ones that I want to  
12 see more specificity as soon as possible.

13 THE COURT: All right.

14 MR. DAVIS: Thank you.

15 THE COURT: Ladies?

16 MS. JEWETT: I have nothing to add, Your Honor.

17 THE COURT: Ms. Malonis?

18 MS. MALONIS: I would like address to -- this  
19 service plan, as it's been said, is very general. And the  
20 requirements are really not even possible right now with Ms.  
21 Jeffs driving all over the State. I mean, I think she's  
22 probably spending most of her time in her car. So, certainly,  
23 we are going to need to see some revisions.

24 I don't have a suggestion for what those are,  
25 other than consolidate, you know, getting these kids together

1 so that she is not -- right now I think she's set up to fail  
2 under the service plan. I just don't think it's possible for  
3 her to do those things while she's driving around.

4 So that's my concern. I want her to have the  
5 best chance to be able to do what is -- because I know that  
6 she's willing. And I want her to have the best chance to be  
7 able to do that, because Teresa wants to be with her mother.  
8 And I want that to be a real possibility.

9 THE COURT: Mr. Gossett.

10 MR. GOSSETT: I have nothing further to add. I  
11 also have another hearing in Courtroom A that's starting up, so  
12 if I can be excused.

13 THE COURT: Thank you, Mr. Gossett.

14 Anything from the Department?

15 MS. GRIFFITH: No, Your Honor.

16 THE COURT: All right. As you-all know -- Ms.  
17 Jeffs you haven't been through this. I know you've probably  
18 sat through it or heard it, but the Court is required to give  
19 you some warnings. It's not a judgment one way or the other.  
20 It's just the Legislature in its wisdom decided there are  
21 certain things that we have to tell parents at this stage of  
22 the proceeding.

23 So, let me go through those. And if you have any  
24 questions, then please, please ask me. All right?

25 Have you seen the service plans and have you

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1 been able to read them?

2 MS. JEFFS: Yes.

3 THE COURT: All right. Do you understand them?

4 You may not agree with them, but do you understand them?

5 MS. JEFFS: Yes, I do.

6 THE COURT: Okay. All right. And you -- and I'm

7 sure that you would -- your lawyer has very ably explained to

8 the Court that you would like more specificity and that you're

9 in agreement pretty much on all the goals of the service

10 plan --

11 MS. JEFFS: Yes.

12 THE COURT: -- if I understand what your

13 objections were.

14 MS. JEFFS: That's true.

15 THE COURT: Okay. Good. The Court will find

16 that the service plan is appropriate. The Court will approve

17 the service plan. The Court will continue the Department as

18 the temporary managing conservator.

19 The Court finds that -- I will read the required

20 warnings to you. Parental rights may be subject to restriction

21 or termination unless parents are willing and able to provide a

22 child with safe -- a safe environment. Unless parents are

23 willing and able to provide the child with a safe environment,

24 even with the assistance of the service plan, within a  
25 reasonable time period specified in the plan- and the end time

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1 period in the plan is -- is April 13th, 2009, if that's -- I  
2 mean, that's -- I don't know that I heard testimony, but I saw  
3 that in the plan- your parental and custodial rights and duties  
4 may be subject to restriction or termination under the Texas  
5 Family Code and the children may not be returned if you do not  
6 comply with this requirement.

7 Progress under the service plan will be reviewed  
8 at every subsequent hearing, including a review of whether the  
9 parties have acquired or learned any specific skills or  
10 knowledge stated in the plan.

11 I will be signing the status hearing order  
12 today. We will be filling in the blanks of when the permanency  
13 hearing is. We are trying to make sure that we get family  
14 groups coordinated. I will go ahead and try to make sure we  
15 get your sister's children coordinated. If you or your  
16 attorney see that we've failed in that, please let us know and  
17 we will enter appropriate orders to try to get them all  
18 together.

19 I'm pleased that we're going to be moving  
20 Hannah. I read CASA's report, so I didn't ask Ms. Brown for  
21 her -- for her reports. And I know -- I've got a question, and  
22 this child's not right in front of me right now. And Ammon

23 Jeffs, the birth date listed shows that he should be eighteen.

24 MS. GRIFFITH: I believe his birthday is today.

25 And we --

1 THE COURT: No, it says -- it says April 21st.

2 MS. GRIFFITH: Oh, I'm sorry.

3 THE COURT: So it was a month ago.

4 MS. GRIFFITH: A month ago.

5 THE COURT: So will I be getting a non-suit as to  
6 him, as well?

7 MS. GRIFFITH: You will.

8 THE COURT: Okay. All right. Will he remain at  
9 the ranch, at Cal Farley's.

10 MS. GRIFFITH: He has been offered the  
11 opportunity to remain in foster care. And at this time he has  
12 accepted that. He is voluntarily in foster care.

13 THE COURT: Okay. And so the appropriate  
14 paperwork will follow with that --

15 MS. GRIFFITH: Yes, Your Honor.

16 THE COURT: -- so we can do that?

17 Okay. And, Ms. Jeffs, do you understand that  
18 arrangement where the Department allows children that have been  
19 placed in foster care that reach eighteen to remain for --  
20 under certain circumstances?

21 MS. JEFFS: Yes.

22 THE COURT: And that -- that's -- I'm sure you've  
23 talked with your son who's now an adult and you-all have  
24 discussed that, along with Mr. Edwards; is that right?

25 MS. JEFFS: Not a lot.

1 THE COURT: But -- but you will, I'm sure.

2 MR. EDWARDS: Yes, ma'am.

3 THE COURT: Okay. Great. That's what I want you  
4 to do.

5 Anything else I need to take up? No particular  
6 health concerns, except for immunizations?

7 MR. DAVIS: That's correct, Your Honor. I'm a  
8 little bit confused on how we're handling the consolidation,  
9 because I got the impression we just approved a service plan  
10 that deals with children who are not here today.

11 THE COURT: Well, those children's service plans  
12 will be approved or gone over on the -- I think we said the  
13 30th looked like the day most people are already coming in.

14 MR. DAVIS: So is this one going back into that  
15 one, or how is that going to be handled? Because I'm going to  
16 be out of town a big chunk --

17 THE COURT: You won't need to be here.

18 MR. DAVIS: Okay.

19 THE COURT: Each child has his own individual  
20 service plan, so I've approved the service plan for the

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21 children that are before the Court today. Does that answer  
22 your question?

23 MR. DAVIS: Yes, ma'am. Thank you.

24 THE COURT: And the education issues, Midland  
25 seems to be ahead of the curve on trying to get the kiddos

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1 tested up there. And they're going to come up with an  
2 appropriate education program that takes into consideration the  
3 fact that these children have been home schooled and that --  
4 that their religious tradition has certain beliefs about  
5 certain matters with regards to education. And to the extent  
6 possible that that doesn't conflict with state laws, then that  
7 will be observed; is that correct, Ms. Griffith?

8 MS. GRIFFITH: That is correct.

9 THE COURT: Have you-all been able to get some  
10 type of written information about these beliefs so that the  
11 folks that are crafting this education plan have that?

12 MS. GRIFFITH: We -- we have not received  
13 anything in writing in a formal -- we don't have a formal  
14 understanding of the beliefs. And if someone would be willing  
15 to provide that, that would be wonderful. But we have talked  
16 to some of the parents and received their individual beliefs  
17 and as we can try and apply those to their children's  
18 education.

19 THE COURT: Mr. Edwards?

20 MR. EDWARDS: Yes, Your Honor.

21 THE COURT: Knowing that you are more than able  
22 to the task, if there is a way that there's some sort of --  
23 because uniformity is very important for these -- these  
24 children and these parents. And if there's a way that you can  
25 kind of ask the attorneys and the parents, could you give the

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1 Department something so that they don't come up with a plan  
2 that then when they show it to the parents, the parents are  
3 horrified by it? I mean, we may have to meet in the middle on  
4 this, but if you could help facilitate that, I would be  
5 grateful.

6 MR. EDWARDS: I'll be glad to do that, Your  
7 Honor.

8 THE COURT: Thanks for volunteering.

9 MR. EDWARDS: Yes.

10 THE COURT: Anything else? Great. Thank you-all  
11 very much. Good luck. You-all have a good afternoon -- or  
12 morning. And that clears this afternoon's cases too.

13 MR. EDWARDS: Thank you, Your Honor.

14 THE COURT: Thank you.

15 (Hearing concluded.)

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1 THE STATE OF TEXAS )

2 COUNTY OF SCHLEICHER )

3

4 I, Debbie Harris, Official Court Reporter in and for the  
5 51st Judicial District Court of Schleicher County, State of  
6 Texas, do hereby certify that the above and foregoing contains  
7 a true and correct transcription of all portions of evidence  
8 and other proceedings requested to be included in this volume  
9 of the Reporter's Record, in the above styled and numbered  
10 cause, all of which occurred in open court or in chambers and  
11 were reported by me.

12 I further certify that this Reporter's Record of the  
13 proceedings truly and correctly reflects the exhibits, if any,  
14 admitted by the respective parties.

15 I further certify that the total cost for the preparation  
16 of this Reporter's Record is \$\_\_\_\_\_ and was paid for by  
17 \_\_\_\_\_.

5-21-08

18

19 WITNESS MY OFFICIAL HAND this the \_\_\_\_ day of \_\_\_\_\_,

20 2008.

21

22 \_\_\_\_\_  
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