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Fourth District Juvenile Court
FOR UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, in the interest of	Order Allowing Alternative Service through Publication
Iscajo Rosales, Nicky 09-04-2015	Case No. 1222800
A person under the age of 18 years	Judge Brent Bartholomew

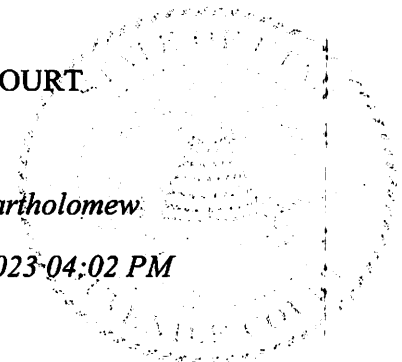
Based on the facts alleged in the Petition and in the Motion for Alternative Service and that the whereabouts of the biological father is unknown but that based upon information and belief the biological father is still residing in Guatemala, the Court finds good cause and hereby;

ORDERS that service can be executed against the biological father by publication in Prensa Libre, which is a newspaper of general circulation in Guatemala near the biological father or through GlobalLegalNotices.com. This publication shall be once every week for four weeks consecutively.

SIGNED BY THE COURT

/s/ Judge Brent H. Bartholomew

and filed on 05-17-2023 04:02 PM



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IN THE FOURTH JUDICIAL JUVENILE COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH

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STATE OF UTAH, in the interest of	:	SUMMONS
	:	
NICKY ISCAJO ROSALES	:	
(09/04/2015)	:	Case No.: 1222800
	:	
A Child under the age of 18 years	:	Judge: Bartholomew
	:	

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The State of Utah to Kevin Iscajo:

You are summoned and required to answer the attached complaint/petition. Within 30 days after service of this summons, you must file your written answer with the clerk of the court at the court the Third Judicial Juvenile Court located at 450 South State Street, Salt Lake City, UT 84111. Within that same time, you must mail or deliver a copy of your answer to the party or the party's attorney at the address shown above. If you fail to do so, judgment by default may be taken against you for the relief demanded in the amended petition, which is has been filed with the clerk of the court.

DATED this 17th day of May, 2023

FILLMORE SPENCER LLC

/s/ Laura Lui
T. Laura Lui
Attorneys for Petitioner

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IN THE FOURTH JUDICIAL JUVENILE COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH

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STATE OF UTAH, in the interest of	:	PETITION FOR CUSTODY AND
	:	GUARDIANSHIP
	:	
NICKY ISCAJO ROSALES	:	
(09/04/2015)	:	Case No.:
	:	
A Child Under the Age of Eighteen Years.	:	Judge:
	:	
	:	

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COMES NOW Petitioner, Nidia Aracely Recinos Divar De Silvestre (hereinafter “Petitioner” or “Ms. Recinos), by and through counsel T. Laura Lui and of FILLMORE SPENCER, LLC, hereby submits this Petition seeking custody and guardianship of the minor child, NICKY ISCAJO ROSALES (hereinafter “Nicky”). Petitioner alleges Nicky is within the age of juvenile court jurisdiction and that he is an abused, abandoned and neglected child within the provision of Utah Code Annotated §80-3-405(d). This Petition is based upon the following allegations:

1. NICKY ISCAJO ROSALES is a male child, born in Guatemala on September 4, 2015.

2. Petitioner Nidia Aracely Recinos Divar De Silvestre is the child's grandmother. Ms. Recinos resides at 1803 N 550 W, Apt 1, Provo, UT 84604, and has done for over 1 year.

3. Venue lies in this Court pursuant to UCA §80-3-405 et al, in that the child resides in Utah County with Ms. Recinos.

4. Child's mother is Katerin Dayana Recinos. The child's biological father is Kevin Iscajo. To the best of Petitioner's knowledge, the biological parents reside in the Guatemala.

5. The minor child was abandoned by his biological father and was in the custody of his mother. His father was a member of a gang and had threatened the child's mother that if she tried to leave Guatemala, he would kill her and the minor child. The mother and the child would often move to places to hide from the dad so he would not find them. However, the gangs caught them and the biological mother was killed in July, 2021, and left dead in the ditch. The grandmother found out about her daughter's death and arranged for the child to be brought into the United States through a coyote.

6. The coyote would not provide them with any anything besides water and a little food. They travelled through the desert on foot. When they crossed the United States border, they were apprehended by border patrol agents. The coyote left them to fend for themselves. The child was in detention and was eventually released to the custody of the Petitioner, his grandmother. There is no longer anyone in Guatemala capable of caring or protecting him.

7. The minor child crossed the border and was caught by immigration officials but was released in August, 2021, and has resided with the Petitioner since his release from immigration detention.

8. The child has no one in Guatemala who can care and protect him should he have to be returned to Guatemala, given that the biological mother was murdered and the biological father has abandoned him.

9. The Child feels safe with Petitioner and is very bonded to Petitioner. He wishes to remain in the United States in her care.

10. Child is enrolled in school and resides with Petitioner in Provo, Utah.

11. A referral has been made to Utah Child Protective Services. The referral case number is 2926647.

WHEREFORE Petitioner prays that the Court find as follows:

1. THAT the above-named child is abused, neglected and/or abandoned pursuant to Utah Code Ann. §80-3-405(d) in that the only living biological parent neglected the child through abandonment and abandoned him in the United States without provision for his care.

2. THAT the above-named child is within the jurisdiction of the Juvenile Court;

3. THAT Petitioner is in all respects fit custodian and guardian for the child;

4. THAT it is in the child's best interest to appoint Petitioner as his custodian and guardian;

5. THAT reunification with the child's living parent is not viable due to the fact that he failed to protect and abandoned the child and the only living biological parent is unable or unwilling to care for him in the United States;

6. THAT it is not the best interest of these child to be returned to his country of nationality, or last habitual residence, as there are no suitable relatives or other persons there who are able to provide care for him. If returned to Guatemala, the child would likely be subject to further abuse, neglect or abandonment.

Based upon there finding, Petitioner respectfully moves the Court to:

1. ORDER that permanent custody and guardianship of the child be awarded to Petitioner;

2. For such other Orders as the Court deems necessary.

Dated this 9th day of March, 2023.

/s/ Laura Lui
T. Laura Lui
Attorney for Petitioner

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Abogados para Peticionario

EN EL CUARTO CORTE JUVENIL JUDICIAL
EN Y PARA EL CONDADO DE UTAH, ESTADO DE UTAH

ESTADO DE UTAH, en el interes de	:	NOTICIA DE AUDIENCIA
	:	
NICKY ISCAJO ROSALES	:	
(09/04/2015)	:	
	:	
	:	Caso No.: 1222800
A Joven Bajo la Edad de Dieciocho Años.	:	
	:	Juez: BARTHOLOMEW
	:	

TO: Kevin Iscajo
Guatemala

Por la presente se les notifica de que una Audiencia sobre la Peticion para Custodia y Tutela ha sido archivado en el Tercero Corte Juvenil Judicial, el Condado de Salt Lake, Estado de Utah, sobre el joven menor, NICKY ISCAJO ROSALES.

Peticionario, Nidia Aracely Recinos Divar De Silvestre, por la presente provea noticia de que una audiencia sobre dicha Petición está programada a ser escuchada el día 21 de julio, 2023 a la hora de 9:00 a.m. en el Cuatro Corte Juvenil Judicial, Segundo Piso, 137 N Freedom Blvd, Provo, Utah 84601, ante Juez Bartholomew del Corte Juvenil.

El corte mandó que los individuos asistieran en persona o a treves del consejo en dicha audiencia. El no asistir a la audiencia en persona podría resultar en que el Corte conceda la petición al Peticionario.

FECHADA este día 17 de mayo, 2023.

FILLMORE SPENCER LLC

/s/ T. Laura Lui
T. LAURA LUI
Abogados para Peticionario