

IN THE JUVENILE COURT OF SEVIER COUNTY, TENNESSEE

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

Docket No. 2024-DN-51

Petitioner,

v.

NORA MERICIA AMAYA IZCOA, Mother

And

JORGE ARMANDO GOMEZ RAMOS, Father

Respondents.

IN THE MATTER OF:

JOSUE ARMANDO GOMEZ AMAYA
DOB 3/16/2007

[removed into DCS custody on 3/21/2024 at 7a.m.]
CHILD(REN) UNDER EIGHTEEN (18) YEARS OF AGE



APPLICATION AND ORDER FOR SERVICE BY PUBLICATION

COMES NOW THE PETITIONER, STATE OF TENNESSEE, DEPARTMENT OF CHILDREN'S SERVICES, who submits the Application for Order for Service by Publication.

FACTS OF THE CASE

This case is related to the Petition for Temporary Legal Custody as described in the Petition. Petitioner is unable to locate the Respondents, **Nora Mericia Amaya Izcoa, Mother** and **Jorge Armando Gomez Ramos, Father** (see Exhibit "A").

REQUEST

Petitioner has been unable to locate or effect service of process on the Respondents in the above-captioned case. 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 **Honduras** and surrounding regions 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 locate and serve the Respondents utilizing traditional service of process methods. Respondents have made themselves unavailable for service of process.

The most practical available alternative method of service is service by publication. The only known method for service by publication in Honduras is through *Global Legal Notices®* which provides a more thorough method to give actual notice to the Respondents, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Respondents 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, as allowed by law or necessity. In addition, a Google search by the Respondents' name and country will typically appear on page one of the Google search after approximately five days, thus, providing a greater opportunity to give actual notice to the Respondents.

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

(1) by internationally agreed upon means of service reasonably calculated to give notice; (2) by a reasonably calculated method as prescribed by the country's law for service for

general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants. Federal Rules of Civil Procedure, Rule 4((3)(1) provides that *"Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . ."* Further, Tennessee Rules of Civil Procedure, Section 4.05(1)(c) allows for service "as directed by the court.". The challenge facing Petitioner in this case is there are no traditional newspapers in Honduras that will allow for publication of legal notices which originate in courts in the United States.

CONCLUSION

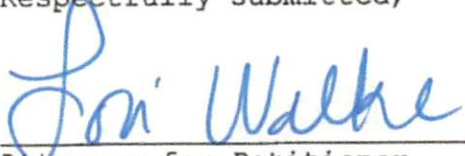
Global Legal Notices® offers an improved method of providing actual notice to a Respondent of a pending lawsuit while satisfying the Court's requirements for service by publication.

It is widely held that service by publication has a limited success rate in providing actual notice to a respondent that a legal case is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper,


either print or online, as a last resort method to complete service of process.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Joni Walke". The signature is written in a cursive style with a large initial "J".

Attorney for Petitioner

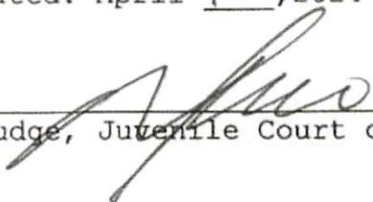
A handwritten signature in blue ink that reads "Robert Huddleston". The signature is written in a cursive style with a large initial "R".

Robert Huddleston
Guardia ad litem

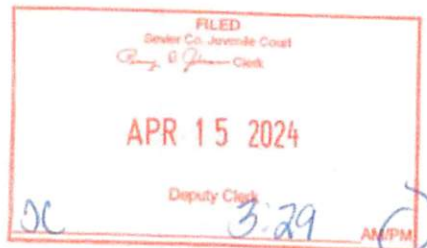
ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT service of the Civil Summons, Petition for Temporary Legal Custody and For Ex Parte Order, Preliminary Hearing Order, and Protective Custody Order (English and Spanish) and all related court-issued documents in the case State of Tennessee, Department of Children's Services v. Nora Mericia Amaya Izcoa, et al., Docket No. 2024-DN-51, be published in Global Legal Notices, LLC, a publication of general circulation in Honduras, for a period of four (4) consecutive weeks, naming each Respondent, and that Proof of Publication be filed with this court no later than thirty (30) days after completion of the publication.

Dated: April 15, 2024



Judge, Juvenile Court of Sevier County, Tennessee



RECEIVED
APR 12 2024
JUVENILE COURT

Exhibit "A"

**STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE**

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-51

Petitioner,

Declaration in Support of
Petitioner's Application
for Service by Publication

vs.

NORA MERICIA AMAYA IZCOA, Mother

And

JORGE ARMANDO GOMEZ RAMOS, Father

Respondents.

IN THE MATTER OF:

JOSUE ARMANDO GOMEZ AMAYA

DOB 3/16/2007

[removed into DCS custody on 3/21/2024 at 7a.m.]

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

**DECLARATION IN SUPPORT OF PETITIONER'S APPLICATION
FOR SERVICE BY PUBLICATION**

I, Nelson Tucker, offer this Declaration in Support of
Petitioner's Application for Service by Publication:

1. My firm, Process Service Network, LLC, was retained by
Petitioner, the State of Tennessee Department of
Children's Services, to serve the Respondent, **NORA MERICIA
AMAYA IZCOA, Mother**, ("Respondent") for the purpose of
serving her with the Civil Summons, Petition for Temporary
Legal Custody and For Ex Parte Order, Preliminary Hearing


Order, and Protective Custody Order (English and Spanish) in this case.

2. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 46 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Honduras. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am an Associate Member of the American Bar Association (ABA), Member of the Section on International Law and Section on International Trade. I am also a member of the Los Angeles County Bar Association, Member of the International Law Committee and Family Law Committee. I am a Life Member of the *National Association of Investigative Specialists*. I am qualified as an expert in my field and can competently testify to the facts stated and declared within.

3. On April 3, 2024, I commenced a search to determine an address where the Respondent can be served. The following is a result of that search:
4. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Nothing was found.
5. Criminal index for Respondent. Result: No record found.
6. Search of business licenses for Tegucigalpa, Honduras. Result: No records were found.
7. Search of educational institutions in the Tegucigalpa, Honduras area for possible employment of Respondent. All educational institutions in Tegucigalpa, Honduras are closed due to COVID-19.
8. Search of public medical facilities and hospitals in the Tegucigalpa, Honduras area. Result: Nothing found.
9. **There is no known residence address for Respondent.**
10. Additional database searches revealed 14 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.
11. Other steps, not required for publication, were taken to locate the Respondent. Result: All were unsuccessful.
12. The addresses searched were provided from the following sources: Petitioner, and obtained in course of our investigation.

13. SUMMARY: Based upon all available information, I am unable to locate and personally serve the Respondent. Service by Publication in Global Legal Notices (www.globallegalnotices.com) is recommended.

Executed on this 4th day of April 2024, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.



Nelson Tucker

**STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE**

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-51

Petitioner,

Declaration in Support of
Petitioner's Application
for Service by Publication

vs.

NORA MERICIA AMAYA IZCOA, Mother

And

JORGE ARMANDO GOMEZ RAMOS, Father

Respondents.

IN THE MATTER OF:

JOSUE ARMANDO GOMEZ AMAYA

DOB 3/16/2007

[removed into DCS custody on 3/21/2024 at 7a.m.]

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for Temporary Legal Custody and For Ex Parte Order,

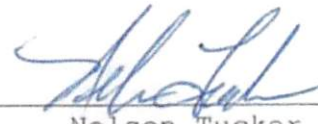
Preliminary Hearing Order, and Protective Custody Order (English and Spanish) in this case.

2. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 46 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Honduras. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am an Associate Member of the American Bar Association (ABA), Member of the Section on International Law and Section on International Trade. I am also a member of the Los Angeles County Bar Association, Member of the International Law Committee and Family Law Committee. I am a Life Member of the *National Association of Investigative Specialists*. I am qualified as an expert in my field and can competently testify to the facts stated and declared within.

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8. Search of public medical facilities and hospitals in the Tegucigalpa, Honduras area. Result: Nothing found.
9. **There is no known residence address for Respondent.**
10. Additional database searches revealed 14 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.
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13. SUMMARY: Based upon all available information, I am unable to locate and personally serve the Respondent. Service by Publication in Global Legal Notices (www.globallegalnotices.com) is recommended.

Executed on this 4th day of April 2024, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.



Nelson Tucker

STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE

CIVIL SUMMONS

STATE OF TENNESSEE

DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-51

In Re: Amaya

Petitioner(s)

vs. **NORA MERICIA AMAYA IZCOA**

Address unknown

Resides in Honduras

Notice:

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar(\$4,000.00) personal property exemption from execution of seizure to satisfy a judgment. If a judgment should be entered against you in the action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and so not need to be listed, these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer

Respondent(s)

To the above named respondent(s):

Nora Mericia Amaya Izcoa

You are hereby commanded and required to serve upon STATE OF TENN, DCS petitioner's attorney, whose address is 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment default will be taken against you for the relief demanded in the complaint.

You are hereby commanded to appear in Juvenile Court on the 12th day of June, 2024, at 8:30 a.m.

Witnessed and issued this 3 day of April, 2024, at 11:00 A.M.

PENNY D. JOHNSON, Clerk

By:

Deputy Clerk [Signature]

RETURN OF SERVICE OF SUMMONS

On this _____ day of _____, 2024:

_____ I have read the summons to respondent and left with the respondent a copy of this summons and a copy of the petition filed in this cause.

Received by: _____

Signature of Respondent

_____ I was unable to locate the respondent.

SWORN this the _____ day of _____, 2024.

BY: _____

Sheriff-Deputy Sheriff-Constable-Process Server

THIS SUMMONS IS ISSUED PURSUANT TO RULE 4 OF THE TENNESSEE RULES OF CIVIL PROCEDURE.

STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE

CIVIL SUMMONS

STATE OF TENNESSEE

DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 2024-DN-51

In Re: Amaya

Petitioner(s)

vs. JORGE ARMANDO GOMEZ
RAMOS

Address unknown
Resides in Honduras

Respondent(s)

Notice:

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar(\$4,000.00) personal property exemption from execution of seizure to satisfy a judgment. If a judgment should be entered against you in the action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and so not need to be listed, these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer

To the above named respondent(s):

Jorge Armando Gomez Ramos

You are hereby commanded and required to serve upon STATE OF TENN, DCS petitioner's attorney, whose address is 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment default will be taken against you for the relief demanded in the complaint.

You are hereby commanded to appear in Juvenile Court on the 12th day of June, 2024, at 8:30 a.m.

Witnessed and issued this 8 day of June, 2024, at 11:30 a.m.

PENNY D. JOHNSON, Clerk

By:

Deputy Clerk

RETURN OF SERVICE OF SUMMONS

On this ___ day of _____, 2024:

I have read the summons to respondent and left with the respondent a copy of this summons and a copy of the petition filed in this cause.

Received by: _____

Signature of Respondent

I was unable to locate the respondent.

SWORN this the ___ day of _____, 2024.

BY: _____

Sheriff-Deputy Sheriff-Constable-Process Server

THIS SUMMONS IS ISSUED PURSUANT TO RULE 4 OF THE TENNESSEE RULES OF CIVIL PROCEDURE.

2. Pursuant to T.C.A. 37-1-120, Petitioner states that the Department of Children's Services has not participated as a party or witness or in any other capacity in any other proceeding concerning custody of this child or visitation. The Department does not know of any other proceedings that could affect this action and does not know of any other person not a party to this proceeding who has physical custody of the child or claims rights of legal custody or physical custody of or visitation with the child.

3. During the last five (5) years, the children have lived with the following people at the addresses shown below:

Child reports he has lived in Florida the last 7 years as he is emancipated. Child's parents are in Honduras.

4. Neither parent is currently serving in the Armed Forces and the Service Members Civil Relief Act does not apply to this proceeding.

5. The child is not a member of or eligible for membership in any federally recognized Indian tribe; the child's parents are not members of or eligible for membership in any federally recognized Indian tribe, and the Indian Child Welfare Act does not apply to this proceeding.

II. DEPENDENCY & NEGLECT

1. The above-named child is dependent and neglected within the meaning of T.C.A. § 37-1-102(b)(1) and (b)(13) due to the following facts and circumstances:
2. DCS received a report of Lack of Supervision. On 3/21/2024 Case Manager (CM) Barbara Ogle was called for a P1 at Sevierville Police Department as Josue Armando Gomez Amaya was pulled over going 81 MPH in 45 MPH zone. Sevierville Police transported Josue to the station then called DCS. Josue was able to provide his passport to CM to verify his name and DOB. Josue reports that he has been living in Florida for 7 years by himself as he is emancipated. Josue reports that he has not been enrolled in school. Josue reported that he was passing through Sevier Co going to Florida. Josue was going to be charged for

speeding and driving without a license but then was not charged. Josue reported that his parents are in Honduras. Josue reported that he did not know anyone in Tennessee. The car Josue was driving was registered to a woman in Florida that is assumed to be his aunt but there was no contact information. Josue was removed via exigent removal due to not having a legal custodian.

3. Based on the facts stated above, the child is dependent and neglected.

III. REASONABLE EFFORTS

[X] Based on an assessment of the family and the child's circumstances, it was reasonable to make no effort to maintain the child in the home *because he is without a legal custodian.*

[X] Reasonable efforts were made to prevent the child's removal from the home. *DCS attempted to locate non-custodial placement without success.*

IV. CUSTODY

1. Based on the facts stated above, the child is subject to an immediate threat to the extent that delay for a hearing would be likely to result in severe or irreparable harm.

2. There is no less drastic alternative to removal from the home that will reasonably protect the children's health and safety pending a preliminary hearing.

3. The child was removed into protective custody by the Department of Children's Services on **March 21, 2024.**

4. The child will be removed from the custody of the mother and father.

V. BEST INTEREST

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

VI. PARTIES

1. The mother of the child is **NORA MERICIA AMAYA IZCOA** whose contact information is unknown at this time.
2. The father of the child is **JORGE ARMANDO GOMEZ RAMOS** whose contact is unknown at this time.

VII. NOTICE REGARDING ABANDONMENT

A parent's willful failure to visit or support the above-named child for four months or more could constitute Abandonment, as described under Tennessee Code Annotated § 36-1-102(1) and could be used as a ground to terminate parental rights to this child.

PETITIONER PRAYS:

1. That upon the filing of this Petition, the Court enter an immediate protective custody order taking the above-named child into the protective jurisdiction of this Court and awarding the temporary care and custody of these child to the Department of Children's Services pending a further hearing.
2. That a Guardian ad Litem be appointed for the child, to be compensated pursuant to T.C. A. § 37-1-150 and applicable rules.
3. That Respondents be served with a copy of this petition, the protective custody order, and a summons to appear and answer.
4. That the Court consider the need to appoint counsel for the child's parents, who may be incompetent or indigent or as may otherwise be required by law, with compensation to be paid pursuant to T.C.A. § 37-1-150 and applicable rules.
5. That the Court hold a preliminary hearing no later than 72 hours, excluding non-judicial days, but in no event more than 84 hours after the child's removal to determine the issue of temporary custody of the child pending the final adjudication of this matter.
6. That at a final hearing of this matter, the Court find the above-named child to be dependent and neglected within the meaning of the law; that it is contrary to the child's best interest to remain in home; that reasonable efforts were made to prevent removal of the child or that reasonable efforts were not required, and that there is no less drastic alternative to removal.

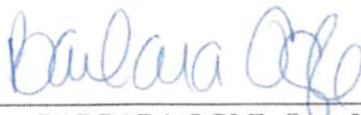
7. That based on the findings above, the Court award temporary legal custody of the child to the Department of Children's Services, granting the Department of Children's Services authority to consent to ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric or psychological care, subject to further orders of this Court.

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

9. That the parents be restricted to supervised contact.

10. That the Court enter an order pursuant to 2023 Tennessee Laws Pub. Ch. SB No. 1111 and HB No. 1380 granting DCS the authority to consent to any necessary vaccination of the children.

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



BARBARA OGLE, Case Manager
Sevier County Office of the
Department of Children's Services
115 Allensville Rd, Suite 105
Sevierville, TN 37876

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

BY: 

Lori J. Walker, BPR # 032421
Assistant General Counsel
115 Allensville Rd, Suite 105
Sevierville, TN 37876
865-712-2647

STATE OF TENNESSEE
COUNTY OF SEVIER

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

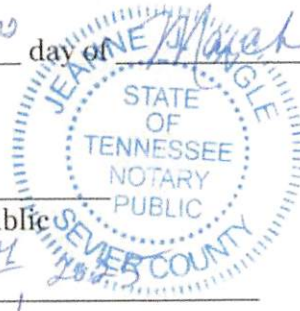
Barbara Ogle

BARBARA OGLE, Case Manager

Sworn to and subscribed before me this the 27th day of March,
2024.

Jeanne Ogle

Notary Public



My Commission expires: October 4th, 2025

- Present: on service of process served today
- had notice and failed to appear
- did not receive notice or whereabouts unknown
- was represented by Attorney
- waived counsel in writing

[children] _____

Guardian ad Litem: ROB HUDDLESTON

[other party/parties] _____

DCS Attorney Lori Walker / Dean Griffey

CPS Case Manager BARBARA OGLE

DCS Family Services Worker(s) _____

[other participants] _____

COURT FINDINGS:

- A. The Preliminary Hearing should be continued for the following reason:
- to obtain service of process.
 - upon the waiver of time by Respondent(s).
 - other: _____

B. Respondent(s) waive the Preliminary Hearing.

C. Upon the evidence presented, statements and arguments of counsel and the entire record, the Court finds

(1) that there is probable cause to believe the child is neglected, dependent or abused

due to _____

_____;

as alleged in the petition;

(2) that removal of the child is required pursuant to T. C. A. 37-1-114(2)

and there is no less drastic alternative to removal; and

(3) that

- reasonable efforts were made to prevent the child's removal from the home.
- based on an assessment of the family and the child's circumstances, it was reasonable to make no effort to maintain the child in the home.
- reasonable efforts to prevent removal were not required because:
 - a court of competent jurisdiction has previously determined that the parent has subjected the child to aggravated circumstances as defined in T.C.A. 36-1-102(9).
 - the parent has been convicted one of the felony crimes against a child specified in T.C.A. 37-1-166(g)(4)(B).
 - the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.

The Court further finds that the following is in the best interest of the child and **IT IS, THEREFORE, ORDERED** that:

1. JURISDICTION: The above-named child shall remain within the protective jurisdiction of this Court.

2. CUSTODY:

The State of Tennessee, Department of Children's Services, shall retain temporary legal custody of the children, with the authority to consent to necessary medical, surgical, hospital, institutional care, or educational enrollment, pending further order of this Court.

Temporary legal custody of the children is awarded to _____ pending further hearing, upon finding that such placement is suitable and is a less drastic alternative to foster care.

3. VISITATION AND RESTRAINING ORDERS:

Parents _____ shall be allowed supervised visitation with the child according to the rules and regulations of the Department of Children's Services.

_____ shall be allowed supervised visitation with the child to be supervised by the custodian(s) or their third-party designee. No visitation shall take place, or the

visit shall be cut short, if the parent appears to be under the influence of alcohol or drugs. The parent shall not drive a vehicle in which the children are passengers. *Supervised visitation does not include overnights.*

The Department of Children's Services and the Guardian *ad Litem* shall have the authority to modify visitation by relaxing or eliminating the requirement of supervision and by increasing the frequency or duration of visits, up to and including overnight visitation, at the discretion of the Department and based upon progress toward reunification and can further restrict visitation once again if necessary to supervised contact.

_____ shall have no contact with the children pending further hearing.

The Alleged Perpetrator(s), _____ waive(s) the Injunction Hearing and stipulate(s) to a preponderance of the evidence that the injunction is necessary to prevent conduct that is detrimental or harmful to the child/children.

Upon the evidence presented, statements of counsel, and the record as a whole, the Court finds that the injunction is necessary under Tennessee Code Annotated § 37-1-152 to prevent conduct that is detrimental or harmful to the child/children, and that the Department of Children's Services has established by a preponderance of the evidence that there is risk of harm to the child/children (1) for all of the reasons set out in the Petition, which are hereby specifically incorporated into this Order, (2) for the following reasons: _

_____.

PERMANENT RESTRAINING ORDER: _____ shall have no contact with the child/children, including no personal contact, no telephone calls, no electronic or written messages, and no messages through third parties. This injunction order shall remain in effect until the child/children reach the age of 18 or until this Order is modified by this Court.

PARENT'S/LEGAL GUARDIAN'S RESPONSIBILITIES: The Court informed the Mother/Father/Legal Guardian of his/her/their

responsibility to enforce this Injunction and the potential legal penalties for violation of this Court's order.

4. HEARINGS:

The preliminary hearing is waived.

The preliminary is continued to be reset upon request of counsel for Respondent(s).

The preliminary hearing is reset for 6/12/24 at 9:00 AM/PM.

The adjudicatory hearing is set for _____ at _____ AM/PM.

The judicial review and ratification of the permanency plan is set for _____ at _____ AM/PM.

5. CHILD SUPPORT:

shall each pay token temporary child support in the amount of Fifty Dollars (\$50.00) per month per child, due on the first day of each month, through the Central Child Support Receiving Unit, P.O. Box 305200, Nashville, TN 37229, beginning immediately. The child's name and birthdate number shall be written on the check or money order. *This amount is determined without presumption of correctness.*

_____ shall appear for a hearing on _____, 2024, at 9:00 AM in the Child Support Division of this Court to determine the ability of each to pay child support. He/She/They shall each bring documentation of current income

including recent pay stubs. Failure to appear at this hearing may result in the issuance of a default judgment.

6. COURT ORDERED MEDICAL AUTHORIZATIONS FOR CHILDREN IN DCS CUSTODY:

The State of Tennessee Department of Children's Services has, pursuant to T.C.A. 63-1-165 made written request to this court for the entry of an order authorizing vaccination of a minor child in the custody of the state. It is ordered that Department of Children's Services employees and agents are permitted to provide, request, or facilitate the vaccination of the subject child(ren), and are expressly granted the authority to provide consent to the following vaccinations for the subject child(ren):

- Hepatitis B; Rotavirus; Diphtheria, tetanus, and acellular pertussis; Haemophilus influenzae type b; Pneumococcal conjugate; Inactivated poliovirus; Influenza; Measles, mumps, rubella; Varicella; Hepatitis A; and Meningococcal.
- OTHER _____.

Any healthcare provider shall accept the informed consent of the Department of Children's Services to administer any vaccine authorized by this order to the subject child(ren).

7. Vaccinations for children not in DCS custody: T.C.A. 63-1-165 does not prohibit legal custodians from obtaining vaccinations for children in their custody even if they do not have parental consent: (c)(1) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent. (T.C.A. 63-1-165 emphasis added).

8. OTHER:

- The Court advised the parent(s) present of the importance of regular visitation and of paying support for the child(ren) and that these are grounds for TPR.

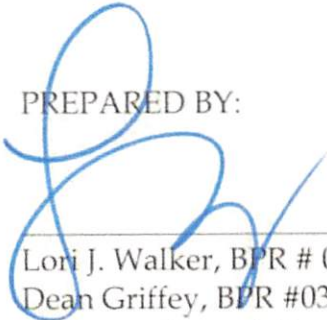
Tasks:

Made the 27 day of March, 2024.



JUDGE/MAGISTRATE

PREPARED BY:



Lori J. Walker, BPR # 032421
Dean Griffey, BPR #032137
Assistant General Counsel
Department of Children's Services

APPROVED BY:



ROB HUDDLESTON, Guardian ad Litem
BPR No.: 024130

CERTIFICATE OF SERVICE

I hereby certify that I have this day hand-delivered, e-mailed, faxed and/or deposited in the U. S. mail, with sufficient postage thereon, a copy of the foregoing Hearing Order addressed to:

Lori J. Walker, DCS Attorney

ROB HUDDLESTON, Esq.

NORA MERICIA AMAYA IZCOA

Address unknown- resides in Honduras

JORGE ARMANDO GOMEZ RAMOS

Address unknown- resides in Honduras

This 21 day of March, 2024.

Clerk



IN THE JUVENILE COURT OF SEVIER COUNTY, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

v.

No. 2024-DN-51

NORA MERICIA AMAYA IZCOA, Mother
Address unknown- resides in Honduras

And

JORGE ARMANDO GOMEZ RAMOS, Father
Address unknown- resides in Honduras

Respondents.



IN THE MATTER OF:

JOSUE ARMANDO GOMEZ AMAYA

DOB 3/16/2007

[removed into DCS custody on 3/21/2024 at 7 a.m.]

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

PROTECTIVE CUSTODY ORDER

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

1. This Court has jurisdiction over this action, and venue is appropriate in this County.
2. There is probable cause to believe that the above-named child is dependent and neglected pursuant to T.C.A. § 37-1-102(b) *because he is without a legal custodian.*
3. The child is subject to an immediate threat to the children's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm.

4. There is no less drastic alternative to removal available that would reasonably and adequately protect the children's health and safety pending a hearing.

5. It is contrary to the child's welfare to remain in the home of **the mother and father** for the reasons set out in the petition.

6. Based upon Sections II and III of the petition:

Reasonable efforts were made to prevent the child's removal from the home.

It was reasonable to make no effort to maintain the child in the home due to the circumstances of the family and the child.

Reasonable efforts to prevent removal were not required because a court of competent jurisdiction has previously determined that the parent has subjected a child to aggravated circumstances as defined in T.C.A. 36-1-102(9).

the parent has been convicted one of the felony crimes against a child specified in T.C.A. 37-1-166(g)(4)(B).

parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.

A determination as to the efforts to prevent removal cannot be made at this time and this issue is reserved for further proof.

IT IS, THEREFORE, ORDERED:

1. That the above-named child is hereby brought into the protective jurisdiction of this Court.

2. That the temporary legal custody of the above-named child is awarded to the State of Tennessee, Department of Children's Services effective **March 21, 2024** and until further order of this Court.

3. That the Department of Children's Services shall provide appropriate placement and services for these children and is granted authority to consent to any ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric, or psychological care pending further order of this Court.

4. That the preliminary hearing in this cause is set for the 27th day of March, 2024 at **9 o'clock a.m. at Sevier County Juvenile Court, 125 Court Ave, Sevierville, Tennessee.**

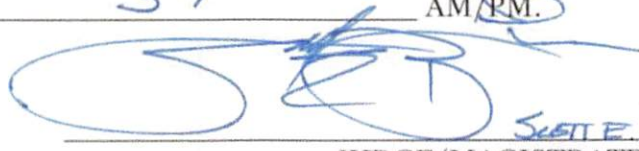
5. That all state, county, or local agencies with information or records relevant to the child's situation, including any public or private medical or mental

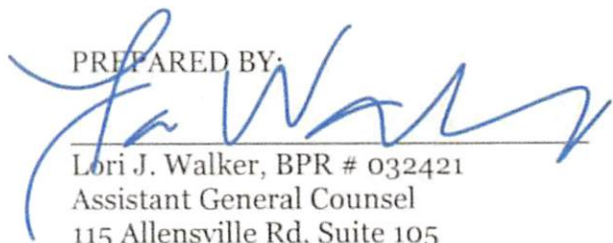
health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services and to its agents.

6. That Rob Huddleston is appointed as Guardian ad Litem to represent the best interest of the child(ren.)

7. That the parents shall have supervised contact.

ENTER this the 22 day of MARCH, 2024,
at 3¹⁸ PM.


SCOTT E. BULL
JUDGE/MAGISTRATE

PREPARED BY:

Lori J. Walker, BPR # 032421
Assistant General Counsel
115 Allensville Rd, Suite 105
Sevierville, TN 37876
Phone: 865-712-2647

**ESTADO DE TENNESSEE TRIBUNAL DE MENORES
DEL CONDADO DE SEVIER, TENNESSEE**

CITACIÓN CIVIL

STATE OF TENNESSEE

Número de Registro 2024-DN-51

DEPARTMENT OF CHILDREN'S SERVICES

En el Asunto: Amaya

Demandante(s)

contra **NORA MERICIA AMAYA IZCOA**
Dirección desconocida
Reside en Honduras

Aviso:

AL/A LOS DEMANDADO(S):

La ley de Tennessee proporciona una exención de propiedad personal de cuatro mil dólares (\$4,000.00) de ejecución o embargo para satisfacer un fallo. Si se emite un fallo en su contra en la acción y desea reclamar propiedad como exenta, debe presentar una lista escrita, bajo juramento, de los artículos que desea reclamar como exentos ante el secretario del tribunal. La lista se puede presentar en cualquier momento y se puede cambiar posteriormente según sea necesario; sin embargo, a menos que se presente antes de que el fallo se vuelva definitivo, no será efectiva respecto a ninguna ejecución o embargo emitido antes de la presentación de la lista. Ciertos artículos están automáticamente exentos por ley y no necesitan ser enumerados, estos incluyen artículos de vestir necesarios (ropa) para usted y su familia y baúles u otros receptáculos necesarios para contener dicha ropa, retratos familiares, la Biblia familiar y libros escolares. Si se incauta alguno de estos artículos, usted tendría derecho a recuperarlos. Si no comprende su derecho de exención o cómo ejercerlo, es posible que desee buscar el consejo de un abogado.

Demandado(s)

A los demandados mencionados anteriormente:

Nora Mericia Amaya Izcoa

Por el presente se les ordena y requiere que sirvan a STATE OF TENN, DCS

al abogado del demandante, cuya dirección es 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876, una respuesta a la demanda que aquí se presenta ante usted dentro de los treinta (30) días posteriores a la fecha de servicio de esta citación, excluyendo el día de servicio. Si no lo hacen, se ejecutará un fallo por incumplimiento en su contra por las pretensiones solicitadas en la demanda.

Por el presente se le ordena comparecer en el Tribunal de Menores el día 12 de junio de 2024, a las 8:30 a.m.

Testificado y emitido este día 3 de April (abril) de 2024, a las 11 35 a M.

PENNY D. JOHNSON, Secretaria

Por:

Secretario, Adjunto

DEVOLUCIÓN DE LA NOTIFICACIÓN DE CITACIÓN

En este día _____ de _____, de 2024;

Yo he leído la citación al demandado y le he dejado al demandado una copia de esta citación y una copia de la demanda presentada en esta causa.

Recibido por: _____

Firma del Demandado

_____ No pude localizar al demandado.

JURADO este día _____ de _____, de 2024.

POR: _____

Alguacil-Alguacil Adjunto-Agente-Oficial de notificación

ESTA CITACIÓN SE EMITE DE CONFORMIDAD CON LA RULE 4 DE TENNESSEE RULES OF CIVIL PROCEDURE.

**ESTADO DE TENNESSEE TRIBUNAL DE MENORES
DEL CONDADO DE SEVIER, TENNESSEE**

CITACIÓN CIVIL

STATE OF TENNESSEE

Número de Registro 2024-DN-51

DEPARTMENT OF CHILDREN'S SERVICES

En el Asunto: Amaya

Demandante(s)

contra **JORGE ARMANDO GOMEZ
RAMOS**
Dirección desconocida
Reside en Honduras

Aviso:

AL/A LOS DEMANDADO(S):

La ley de Tennessee proporciona una exención de propiedad personal de cuatro mil dólares (\$4,000.00) de ejecución o embargo para satisfacer un fallo. Si se emite un fallo en su contra en la acción y desea reclamar propiedad como exenta, debe presentar una lista escrita, bajo juramento, de los artículos que desea reclamar como exentos ante el secretario del tribunal. La lista se puede presentar en cualquier momento y se puede cambiar posteriormente según sea necesario; sin embargo, a menos que se presente antes de que el fallo se vuelva definitivo, no será efectiva respecto a ninguna ejecución o embargo emitido antes de la presentación de la lista. Ciertos artículos están automáticamente exentos por ley y no necesitan ser enumerados, estos incluyen artículos de vestir necesarios (ropa) para usted y su familia y baúles u otros receptáculos necesarios para contener dicha ropa, retratos familiares, la Biblia familiar y libros escolares. Si se incauta alguno de estos artículos, usted tendría derecho a recuperarlos. Si no comprende su derecho de exención o cómo ejercerlo, es posible que desee buscar el consejo de un abogado.

Demandado(s)

A los demandados mencionados anteriormente:

Jorge Armando Gomez Ramos

Por la presente se les ordena y requiere que sirvan a STATE OF TENN, DCS

al abogado del demandante, cuya dirección es 115 ALLENSVILLE ROAD, STE 105, SEVIERVILLE, TN 37876, una respuesta a la demanda que aquí se presenta ante usted dentro de los treinta (30) días posteriores a la fecha de servicio de esta citación, excluyendo el día de servicio. Si no lo hacen, se ejecutará un fallo por incumplimiento en su contra por las pretensiones solicitadas en la demanda.

Por la presente se le ordena comparecer en el Tribunal de Menores el día 12 de junio de 2024, a las 8:30 a.m.

Testificado y emitido este día 3 de abril (abril) de 2024, a las 11 35 a M.

PENNY D. JOHNSON, Secretaria

Por:

Secretario, Adjunto

DEVOLUCIÓN DE LA NOTIFICACIÓN DE CITACIÓN

En este día _____ de _____, de 2024;

Yo he leído la citación al demandado y le he dejado al demandado una copia de esta citación y una copia de la demanda presentada en esta causa.

Recibido por: _____

Firma del Demandado

_____ No pude localizar al demandado.

JURADO este día _____ de _____, de 2024.

POR: _____

Alguacil-Alguacil Adjunto-Agente-Oficial de notificación

EN EL TRIBUNAL DE MENORES DEL CONDADO DE SEVIER, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Demandante,

contra

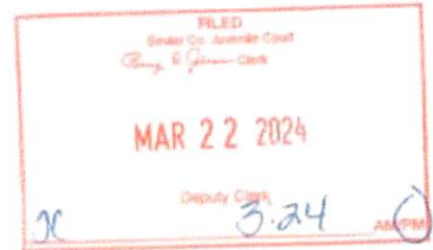
Núm: 2024-DN-51

NORA MERICIA AMAYA IZCOA, Madre
Dirección desconocida - reside en Honduras

Y

JORGE ARMANDO GOMEZ RAMOS, Padre
Dirección desconocida - reside en Honduras

Demandados.



EN EL ASUNTO DE:

JOSUE ARMANDO GOMEZ AMAYA
[Retirado a la custodia del DCS el 21/03/2024 a las 7 a.m.]
NIÑO(S) MENOR(ES) DE DIECIOCHO (18) AÑOS DE EDAD

Fecha de Nacimiento: 16/03/2007

PETICIÓN PARA LA CUSTODIA LEGAL TEMPORAL Y PARA LA ORDEN EX PARTE

The State of Tennessee, Department of Children's Services, a través de su representante debidamente autorizado, BARBARA OGLE, Gerente de Caso, solicita a este Tribunal que declare al niño mencionado anteriormente como dependiente y desatendido y otorgue la custodia legal temporal del niño al Departamento de Servicios para Menores de conformidad con T.C.A. § 37-1-129-130. Esta petición se presenta sobre la base de información y creencia, y sobre los siguientes hechos razonablemente comprobables.

I. JURISDICCIÓN Y LUGAR

1. Este Tribunal tiene jurisdicción sobre esta acción de conformidad con T.C.A. 37-1-103(a)(1). El lugar es apropiado en este Tribunal de conformidad con T.C.A. § 37-1-111(a) y (c) porque el niño está actualmente presente y es residente de este condado.

2. De conformidad con T.C.A. 37-1-120, el Demandante declara que el Departamento de Servicios para Menores no ha participado como parte o testigo o en ninguna otra capacidad en ningún otro procedimiento relacionado con la custodia o visitas de este niño. El Departamento no tiene conocimiento de ningún otro procedimiento que pueda afectar esta acción y no conoce a ninguna otra persona que no sea parte en este procedimiento y que tenga la custodia física del niño o reclame derechos de custodia legal o custodia física o visitas con el niño.

3. Durante los últimos cinco (5) años, los niños han vivido con las siguientes personas en las direcciones indicadas a continuación:

El menor informa que ha vivido en Florida durante los últimos 7 años, ya que está emancipado. Los padres del niño están en Honduras.

4. Ninguno de los padres está actualmente sirviendo en las Fuerzas Armadas, por lo que la Ley de Ayuda Civil para Miembros del Servicio (Service Members Civil Relief Act) no se aplica a este procedimiento.

5. El niño no es miembro ni es elegible para ser miembro de ninguna tribu indígena reconocida federalmente; los padres del niño no son miembros ni son elegibles para ser miembros de ninguna tribu indígena reconocida federalmente, por lo que la Ley para el Bienestar de los Niños Indígenas (Indian Child Welfare Act) no se aplica a este procedimiento.

II. DEPENDENCIA Y DESATENCIÓN

1. El niño mencionado anteriormente es dependiente y desatendido en el sentido de T.C.A. § 37-1-102 (b)(1) y (b)(13) debido a los siguientes hechos y circunstancias:
2. El DCS recibió un informe de Falta de Supervisión. El 21/03/2024, la Gerente de Caso (CM) Barbara Ogle fue llamada para un P1 en el Departamento de Policía de Sevierville, ya que Josue Armando Gomez Amaya fue detenido por ir a 81 millas por hora en una zona de 45 millas por hora. La policía de Sevierville transportó a Josue a la estación y luego llamó a DCS. Josue pudo proporcionar su pasaporte a la CM para verificar su nombre y fecha de nacimiento. Josue informa que ha estado viviendo en Florida durante los últimos 7 años por sí mismo, ya que está emancipado. Josue informa que no ha estado inscrito en la escuela. Josue informó que estaba pasando por el condado de Sevier yendo a Florida. Josue iba a ser acusado de

exceso de velocidad y de conducir sin licencia, pero luego no fue acusado. Josue informó que sus padres están en Honduras. Josue informó que no conocía a nadie en Tennessee. El automóvil que Josue conducía estaba registrado a nombre de una mujer en Florida que se presume que es su tía, pero no había información de contacto. Josue fue retirado mediante un retiro exigente debido a que no tenía un custodio legal.

3. Basándose en los hechos mencionados anteriormente, el niño es dependiente y descuidado.

III. ESFUERZOS RAZONABLES

Basándose en una evaluación de la familia y las circunstancias del niño, fue razonable no hacer ningún esfuerzo para mantener al niño en el hogar *porque el niño no tiene un tutor legal.*

Se hicieron esfuerzos razonables para evitar la remoción del niño del hogar. El DCS intentó localizar *estancias no tutelares sin éxito.*

IV. CUSTODIA

1. Con base en los hechos mencionados anteriormente, el niño está sujeto a una amenaza inmediata en la medida en que cualquier demora para una audiencia probablemente resultaría en daños graves o irreparables.
2. No hay una alternativa menos drástica que la remoción del hogar que protegerá razonablemente la salud y seguridad del niño pendiente de una audiencia preliminar.
3. El niño fue retirado a custodia protectora por el Departamento de Servicios para Menores el **21 de marzo de 2024.**
4. El niño será retirado de la custodia de la madre y padre.

V. INTERÉS SUPERIOR

Es en el mejor interés del niño y del público que este procedimiento se lleve a cabo. Es contrario al bienestar del niño permanecer en el hogar, y el niño debe ser retirado del hogar y colocado en la custodia legal temporal del Departamento de Servicios para Menores por las razones mencionadas anteriormente.

VI. PARTES

1. La madre del niño es **NORA MERICIA AMAYA IZCOA**, cuya información de contacto se desconoce en este momento.
2. El padre del niño es **JORGE ARMANDO GOMEZ RAMOS**, cuyo contacto se desconoce en este momento.

VII. AVISO SOBRE EL ABANDONO

El incumplimiento intencional de un padre de visitar o apoyar al niño mencionado anteriormente durante cuatro meses o más podría constituir Abandono, según se describe en el Tennessee Code Annotated § 36-1-102(1) y podría ser utilizado como motivo para terminar los derechos parentales sobre este niño.

PETICIÓN DEL DEMANDANTE:

1. Que, tras la presentación de esta Petición, el Tribunal emita una orden de custodia protectora inmediata tomando al niño mencionado anteriormente bajo la jurisdicción protectora de este Tribunal y otorgando el cuidado y custodia temporal de este niño al Departamento de Servicios para Menores en espera de una audiencia posterior.
2. Que se designe a un Guardián ad Litem para el niño, para ser compensado de conformidad con T.C.A § 37-1-150 y las reglas aplicables.
3. Que se notifique a los Demandados con una copia de esta petición, la orden de custodia protectora y una citación para comparecer y responder.
4. Que el Tribunal considere la necesidad de designar un abogado para los padres del niño, quienes pueden ser incompetentes o indigentes o como pueda ser requerido por la ley, con compensación a ser pagada de conformidad con T.C.A. § 37-1-150 y las reglas aplicables.
5. Que el Tribunal celebre una audiencia preliminar a no más tardar de 72 horas, excluyendo días no judiciales, pero en ningún caso más de 84 horas después de la remoción del niño, para determinar el tema de la custodia temporal del niño en espera de la adjudicación final de este asunto.
6. Que, en una audiencia final de este asunto, el Tribunal determine que el niño mencionado anteriormente es dependiente y descuidado en el sentido de la ley; que es contrario al interés superior del niño permanecer en el hogar; que se hicieron esfuerzos razonables para evitar la remoción del niño o que no se requerían esfuerzos razonables, y que no existe una alternativa menos drástica a la remoción.

7. Que, basado en las conclusiones anteriores, el Tribunal otorgue la custodia legal temporal del niño al Departamento de Servicios para Menores, otorgando al Departamento de Servicios para Menores la autoridad para consentir atención médica, quirúrgica, hospitalaria, educativa, institucional, psiquiátrica o psicológica ordinaria o necesaria, sujeta a nuevas órdenes de este Tribunal.

8. Que el Tribunal investigue la capacidad de cada padre para pagar el mantenimiento y el costo de la atención médica del niño y emita una orden en consecuencia.

9. Que se restrinja a los padres a contacto supervisado.

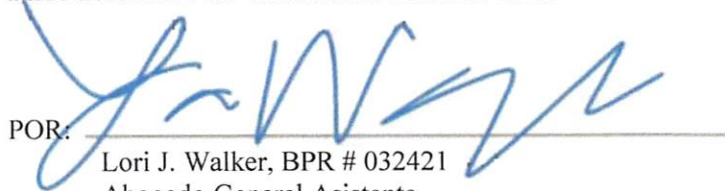
10. Que el Tribunal emita una orden de conformidad con 2023 Tennessee Laws Pub. Ch. SB No. 1111 y HB No. 1380 otorgando al DCS la autoridad para consentir cualquier vacunación necesaria de los niños.

11. Que el Tribunal conceda cualquier otra asistencia general necesaria.



BARBARA OGLE, Gerente de Caso
Oficina del Condado de Sevier del
Department of Children's Services
115 Allensville Rd, Suite 105
Sevierville, TN 37876

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES



POR:

Lori J. Walker, BPR # 032421
Abogado General Asistente
115 Allensville Rd, Suite 105
Sevierville, TN 37876
865-712-2647

ESTADO DE TENNESSEE
CONDADO DE SEVIER

Yo, BARBARA OGLE, debidamente juramentado según la ley, declaro que los hechos expuestos en la petición anterior son verdaderos y correctos según mi leal saber, información y entender.

Barbara Ogle

BARBARA OGLE, Gerente de Caso

Juramentado y suscrito ante mí este día 22nd de March (marzo) de 2024.

Jeanne J. Ingle

Notario Público



Mi comisión vence: October 4th, 2025
(4 de octubre de 2025)

JEANNE J. INGLE
ESTADO DE TENNESSEE
NOTARIO PÚBLICO
CONDADO DE SEVIER

EN EL TRIBUNAL DE MENORES DEL CONDADO DE SEVIER, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Demandante,

contra

Núm:2024-DN-51

NORA MERICIA AMAYA IZCOA, Madre
Dirección desconocida, Reside en Honduras

Y

JORGE ARMANDO GOMEZ RAMOS, Padre
Dirección desconocida, Reside en Honduras

Demandados.

EN EL ASUNTO DE:

JOSUE ARMANDO GOMEZ AMAYA

Fecha de Nacimiento: 16/03/2007

[Retirado a la custodia del Departamento de Servicios para Menores (DCS) el 21/03/2024 a las 7 a.m.]
NIÑO(S) MENOR(ES) DE DIECIOCHO (18) AÑOS DE EDAD

ORDEN DE AUDIENCIA PRELIMINAR

SOSTENIDO POR: HON. DWIGHT STOKES

FECHA DE LA AUDIENCIA: 27/03/2024

FECHA DE LA PETICIÓN PRESENTADA: 22/03/2024

FECHA DE INGRESO DEL NIÑO(S) AL CUIDADO DE ACOGIDA: 21/03/2024

FECHA DE LA PRÓXIMA AUDIENCIA: 6/12/24 (12/06/24) TIPO: Cont PH

PRESENTE:

[madre] NORA MERICIA AMAYA IZCOA

Presente: en servicio de proceso servido hoy

fue notificado y no compareció

no recibió aviso o su paradero es desconocido

fue representado por un abogado

renunció al abogado por escrito

[padre] JORGE ARMANDO GOMEZ RAMOS



- Presente: en servicio de proceso servido hoy
- fue notificado y no compareció
- no recibió aviso o su paradero es desconocido
- fue representado por un abogado
- renunció al abogado por escrito

niños _____

Tutor ad litem: ROB HUDDLESTON

[otra parte/partes] _____

Abogado del DCS Lori Walker / Dean Griffey

Gerente de Caso de CPS BARBARA OGLE

Trabajador(es) de Servicios Familiares del DCS _____

(otros participantes) _____

HALLAZGOS DEL TRIBUNAL:

A. La Audiencia Preliminar debería continuar por la siguiente razón:

- para obtener servicio de proceso.
- tras la renuncia del tiempo por parte del/de los Demandado(s).
- Otro: _____

B. El/los Demandado(s) renuncian a la Audiencia Preliminar.

C. A partir de las pruebas presentadas, declaraciones y argumentos de los abogados y el expediente completo, el Tribunal encuentra

(1) que existe causa probable para creer que el niño es descuidado, dependiente o abusado

debido a _____

cómo se alega en la petición;

(2) que se requiere la remoción del niño de acuerdo con T.C.A. 37-1-114(2) y que no existe una alternativa menos drástica a la remoción; y

(3) que

- se hicieron esfuerzos razonables para evitar la remoción del niño del hogar
- basado en una evaluación de la familia y las circunstancias del niño, fue razonable no hacer ningún esfuerzo para mantener al niño en el hogar.
- no se requirieron esfuerzos razonables para evitar la remoción porque:
 - un tribunal de jurisdicción competente ha determinado previamente que el padre ha sometido al niño a circunstancias agravantes según lo definido en T.C.A. 36-1-102(9)
 - el padre ha sido condenado por uno de los delitos graves contra un niño especificados en T.C.A. 37-1-166(g)(4)(B).
 - los derechos parentales del padre sobre un hermano o medio hermano han sido terminados involuntariamente.

El Tribunal encuentra además que lo siguiente es en el mejor interés del niño y, **POR LO TANTO, SE ORDENA** que:

1. JURISDICCIÓN: El niño mencionado anteriormente permanecerá dentro de la jurisdicción protectora de este Tribunal.

2. CUSTODIA:

El Estado de Tennessee, Departamento de Servicios para Menores, retendrá la custodia legal temporal de los niños, con la autoridad para consentir tratamientos médicos, quirúrgicos, hospitalarios, institucionales necesarios, o la inscripción educativa, en espera de una orden adicional de este Tribunal.

La custodia legal temporal de los niños se otorga a _____ pendiente de una audiencia adicional, al encontrar que dicha colocación es adecuada y es una alternativa menos drástica al cuidado de crianza.

3. VISITAS Y ÓRDENES DE RESTRICCIÓN:

Parents (Padres) _____ se le permitirá tener visitas supervisadas con el niño de acuerdo con las reglas y regulaciones del Departamento de Servicios para Menores.

_____ se le permitirá tener visitas supervisadas con el niño, que serán supervisadas por el/los custodio(s) o su designado de terceros. No se permitirá la visita, o la visita se interrumpirá, si el padre parece estar

bajo la influencia de alcohol o drogas. El padre no conducirá un vehículo en el que los niños sean pasajeros. *Las visitas supervisadas no incluyen pernoctaciones.*

El Departamento de Servicios para Menores y el Tutor *ad Litem* tendrán la autoridad para modificar las visitas relajando o eliminando el requisito de supervisión y aumentando la frecuencia o duración de las visitas, incluyendo visitas nocturnas, a discreción del Departamento y basado en el progreso hacia la reunificación y pueden restringir nuevamente las visitas si es necesario a contacto supervisado.

_____ no tendrán contacto con los niños hasta una audiencia adicional.

El/los Presunto(s) Agresor(es), _____ renuncia(n) a la Audiencia Judicial y estipula(n) por preponderancia de la evidencia que la orden judicial es necesaria para prevenir conductas que sean perjudiciales o dañinas para el niño/niños.

A partir de las pruebas presentadas, las declaraciones de los abogados y el expediente en su totalidad, el Tribunal encuentra que la orden judicial es necesaria según el Tennessee Code Annotated § 37-1-152 para prevenir conductas que sean perjudiciales o dañinas para el niño/niños, y que el Departamento de Servicios para Menores ha establecido por preponderancia de la evidencia que existe riesgo de daño para el niño/niños (1) por todas las razones establecidas en la Petición, que se incorporan específicamente en esta Orden, (2) por las siguientes razones: _

_____.

ORDEN DE RESTRICCIÓN PERMANENTE: _____ no tendrá contacto con el niño/niños, incluyendo ningún contacto personal, ninguna llamada telefónica, ningún mensaje electrónico o escrito, y ningún mensaje a través de terceros. Esta orden judicial permanecerá en efecto hasta que el niño/niños alcancen la edad de 18 años o hasta que esta Orden sea modificada por este Tribunal.

RESPONSABILIDADES DEL PADRE/TUTOR LEGAL: El Tribunal informó a la Madre/Padre/Tutor Legal de él/ella/ellos

responsabilidad de hacer cumplir esta orden judicial y las posibles sanciones legales por violación de la orden de este Tribunal.

4. AUDIENCIAS:

Se renuncia a la audiencia preliminar.

La audiencia preliminar continua siendo reprogramada a solicitud del abogado del/de los

Demandado(s).

La audiencia preliminar se reprograma para el día 6/12/24 a las 9 AM/PM.

La audiencia de adjudicación se programa para el día _____ a las _____ AM

/ PM.

La revisión judicial y la ratificación del plan de permanencia se programan para el día

_____ a las _____ AM/PM.

5. MANUTENCIÓN DE MENORES

deberá(n) pagar cada uno una manutención temporal simbólica de cincuenta dólares (\$50.00) por mes por cada niño, venciendo el primer día de cada mes, a través de la Unidad Central de Recaudación de Manutención de Menores, P.O. Box 305200, Nashville, TN 37229, comenzando de inmediato. El nombre del niño y la fecha de nacimiento deberán estar escritos en el cheque o giro postal. *Esta cantidad se determina sin presunción de corrección.*

_____ deberá presentarse para una audiencia el _____ de 2024, a las 9:00 a. m. en la División de Manutención de Menores de este Tribunal para determinar la capacidad de cada uno para pagar la manutención de menores. Él/Ella/Ellos deberá(n) traer documentación de ingresos actuales, incluyendo talones de pago

recientes. La falta de comparecencia a esta audiencia puede resultar en la emisión de un fallo en rebeldía.

6. AUTORIZACIONES MÉDICAS ORDENADAS POR EL TRIBUNAL PARA LOS NIÑOS BAJO LA CUSTODIA DEL DCS:

The State of Tennessee Department of Children's Services de conformidad con el T.C.A. 63-1-165, ha solicitado por escrito a este tribunal la emisión de una orden autorizando la vacunación de un menor bajo la custodia del estado. Se ordena que los empleados y agentes del Departamento de Servicios para Menores tienen permitido proporcionar, solicitar o facilitar la vacunación del (de los) niño(s) en cuestión, y se les otorga expresamente la autoridad para otorgar el consentimiento para las siguientes vacunas para el (los) niño(s) en cuestión:

Hepatitis B; Rotavirus; Difteria, tétanos y tos ferina acelular; Haemophilus influenzae tipo b; Neumocócica conjugada; Polio virus inactivado; Influenza; Sarampión, paperas, rubéola; Varicela; Hepatitis A; y Meningocócica.

OTRO _____.

Cualquier proveedor de atención médica deberá aceptar el consentimiento informado del Departamento de Servicios para Menores para administrar cualquier vacuna autorizada por esta orden al(los) niño(s) en cuestión.

7. Vacunas para niños que no están bajo custodia del DCS: T.C.A. 63-1-165 no prohíbe a los custodios legales obtener vacunas para los niños bajo su custodia incluso si no tienen el consentimiento parental: (c)(1) Un proveedor de atención médica no deberá administrar una vacuna a un menor a menos que el proveedor de atención médica reciba primero el consentimiento informado de un padre o **tutor legal** del menor. El proveedor de atención médica deberá documentar la recepción de, e incluirla en el expediente médico del menor, la prueba de dicho **consentimiento informado previo de los padres o guardianes**. (Énfasis añadido al T.C.A. 63-1-165).

8. OTRO:

El Tribunal informó a los padres presentes sobre la importancia de las visitas regulares y del pago de manutención para el(los) niño(s) y que estos son motivos para la TPR.

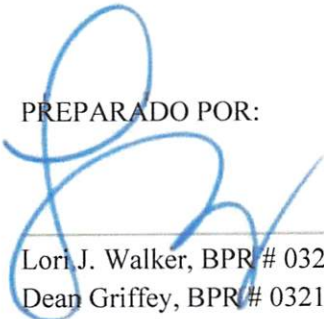
Actividades:

Hecho el día 21 de March (Marzo) de 2024.



JUEZ / MAGISTRADO

PREPARADO POR:



Lori J. Walker, BPR # 032421
Dean Griffey, BPR # 032137
Abogado General Asistente
Departamento de Servicios para Menores

APROBADO POR:



ROB HUDDLESTON, Tutor ad Litem
BPR Núm. 024130

CERTIFICADO DE SERVICIO

Por la presente certifico que el día de hoy he entregado personalmente, enviado por correo electrónico, enviado por fax y/o depositado en el correo de los Estados Unidos, con suficiente franqueo, una copia de la Orden de Audiencia precedente dirigida a:

Lori J. Walker, Abogada del DCS

ROB HUDDLESTON, Esq.

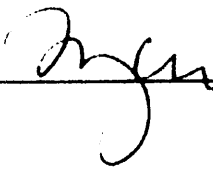
NORA MERICIA AMAYA IZCOA

Dirección desconocida, Reside en Honduras

JORGE ARMANDO GOMEZ RAMOS

Dirección desconocida, Reside en Honduras

Este día 21 de March (Marzo) de 2024.



Secretario/a

EN EL TRIBUNAL DE MENORES DEL CONDADO DE SEVIER, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES,

Demandante,

contra

Núm: 1084-DN-51

NORA MERICIA AMAYA IZCOA, Madre
Dirección desconocida - reside en Honduras

Y

JORGE ARMANDO GOMEZ RAMOS, Padre
Dirección desconocida - reside en Honduras

Demandados.



EN EL ASUNTO DE:

JOSUE ARMANDO GOMEZ AMAYA

Fecha de Nacimiento: 16/03/2007

[Retirado a la custodia del Departamento de Servicios para Menores (DCS) el 21/03/2024 a las 7 a.m.]

NIÑO(S) MENOR(ES) DE DIECIOCHO (18) AÑOS DE EDAD

ORDEN DE CUSTODIA PROTECTORA

Basado en los hechos declarados en la petición jurada presentada en esta causa, el Tribunal determina lo siguiente:

1. Este Tribunal tiene jurisdicción sobre esta acción, y el lugar es adecuado en este condado.
2. Existe causa probable para creer que el niño mencionado anteriormente es dependiente y descuidado de conformidad con T.C.A. § 37-1-102(b) porque no tiene un custodio legal.
3. El niño está sujeto a una amenaza inmediata para la salud o seguridad del niño en la medida en que el retraso para una audiencia podría resultar en un daño grave o irreparable.

4. No hay una alternativa menos drástica disponible que razonable y adecuadamente proteja la salud y seguridad de los niños mientras se espera una audiencia.

5. Es contrario al bienestar del niño permanecer en el hogar **de la madre y el padre** por las razones establecidas en la petición.

6. Basado en las Secciones II y III de la petición:

Se hicieron esfuerzos razonables para prevenir la remoción del niño del hogar.

Fue razonable no hacer ningún esfuerzo para mantener al niño en el hogar debido a las circunstancias de la familia y el niño.

No se requirieron esfuerzos razonables para prevenir la remoción porque

un tribunal de jurisdicción competente ha determinado previamente que el padre ha sometido a un niño a circunstancias agravantes según lo definido en T.C.A. 36-1-102(9),

el padre ha sido condenado por uno de los delitos graves contra un niño especificados en T.C.A. 37-1-166 (g)(4)(B).

los derechos parentales del padre con respecto a un hermano o medio hermano han sido terminados involuntariamente.

No se puede realizar una determinación en este momento con respecto a los esfuerzos para prevenir la remoción, y este tema se reserva para pruebas adicionales.

POR LO TANTO, SE ORDENA:

1. Que el niño mencionado anteriormente sea traído bajo la jurisdicción protectora de este Tribunal.

2. Que la custodia legal temporal del niño mencionado anteriormente sea otorgada al Estado de Tennessee, Departamento de Servicios para Menores, a partir del **21 de marzo de 2024** y hasta nueva orden de este Tribunal.

3. Que el Departamento de Servicios para Menores proporcione ubicación y servicios adecuados para estos niños y se le otorgue la autoridad para consentir cualquier cuidado médico, quirúrgico, hospitalario, educacional, institucional, psiquiátrico o psicológico ordinario o necesario, pendiente nueva orden de este Tribunal.

4. Que la audiencia preliminar en esta causa está programada para el día 27th de March de 2024 a las **9:00 a.m.** en el **Tribunal de Menores del Condado de Sevier, 125 Court Ave, Sevierville, Tennessee.**

5. Que todas las agencias estatales, del condado o locales con información o registros relevantes para la situación del niño, incluyendo cualquier recurso de tratamiento médico o de salud mental público

o privado y todas las instalaciones educativas, deben liberar dicha información o registros que sean necesarios para el manejo de este caso al Departamento de Servicios para Menores y a sus agentes.

6. Se designa a Rob Huddleston como Guardián ad Litem para representar el mejor interés del niño (niños).

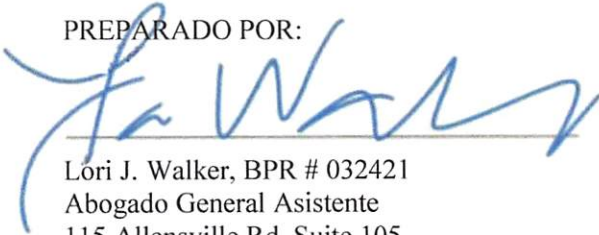
7. Que los padres tengan contacto supervisado.

INGRESE esto el día 22 de MARCH de 2024,

a las 3:18 AM/PM.


SCOTT BULL
JUEZ / MAGISTRADO

PREPARADO POR:



Lori J. Walker, BPR # 032421
Abogado General Asistente
115 Allensville Rd, Suite 105
Sevierville, TN 37876
Teléfono: 865-712-2647