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FILED
SUSAN JOHNSON
CLERK OF SUPERIOR COURT
2024 JAN -5 PM 12:41
VT
BY _____
DEPUTY

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 IN AND FOR THE COUNTY OF PINAL

11 In the Matter of:

12 JIMENA MARIA ROSA
d.o.b. 10/07/2008
13 ISREAL JOSE ALVAREZ
d.o.b. 12/04/2019
14 MIGUEL LUIS LOPEZ ROSA
15 d.o.b. 12/28/2023

NO. JD2024000000

**DCS'S DEPENDENCY PETITION AND
PETITION FOR PATERNITY AND/OR
CHILD SUPPORT**

(OUT-OF-HOME)

PRELIMINARY PROTECTIVE
CONFERENCE/HEARING: January 11, 2024 at
8:30/9:30 a.m.

16
17
18 Person(s) under 18 years of age.

(Honorable Danielle Harding)

19
20 Petitioner, the Department of Child Safety (DCS or the Department), by and through undersigned
21 counsel, hereby alleges upon information and belief:

22 **I.**

23 **Jurisdiction**

24 The Juvenile Court has exclusive original jurisdiction over dependency matters pursuant to A.R.S.
25 § 8-202 (B). The Superior Court has original jurisdiction in proceedings to establish paternity pursuant to
26 A.R.S. § 25-801.

27 //

1 **II.**

2 **Venue**

3 Venue in this county is proper pursuant to A.R.S. §§ 8-206 (A) and 25-802 as Pinal County is the
4 residence of the children and/or the acts of dependency are alleged to have occurred in Pinal County.

5 **III.**

6 **Identity of Children, Placement, and Applicability of the Indian Child Welfare Act**

7
8 A. JIMENA MARIA ROSA:

- 9 1. JIMENA MARIA ROSA is a female child whose date of birth is October 7, 2008.
10 2. JIMENA MARIA ROSA is a dependent child within the provisions of A.R.S. § 8-201(15).
11 3. JIMENA MARIA ROSA is currently placed with LISA JONES, a kinship placement.
12 4. JIMENA MARIA ROSA is not an Indian child as defined by the Indian Child Welfare Act, 25
13 U.S.C. § 1903(4).

14 B. ISRAEL JOSE ALVAREZ:

- 15 1. ISRAEL JOSE ALVAREZ is a male child whose date of birth is December 4, 2019.
16 2. ISRAEL JOSE ALVAREZ is a dependent child within the provisions of A.R.S. § 8-201(15).
17 3. ISRAEL JOSE ALVAREZ is currently placed with a DCS placement.
18 4. ISRAEL JOSE ALVAREZ is not an Indian Child as defined by the Indian Child Welfare Act,
19 25 U.S.C. § 1903(4).

20
21 C. MIGUEL LUIS LOPEZ ROSA

- 22 1. MIGUEL LUIS LOPEZ ROSA is a male child whose date of birth is December 28, 2023.
23 2. MIGUEL LUIS LOPEZ ROSA is a dependent child within the provisions of A.R.S. § 8-
24 201(15).
25 3. MIGUEL LUIS LOPEZ ROSA is currently placed with a DCS placement.
26 4. MIGUEL LUIS LOPEZ ROSA is not an Indian child as defined by the Indian Child Welfare
27 Act, 25 U.S.C. § 1903(4).

1 **IV.**

2 **Parties**

3 The following individuals are alleged to be the parents, guardians, and/or Indian Custodians of the
4 children who are the subject of this Petition, upon information and belief:

5 A. JOSEFINA MARIA ROSA is the mother of JIMENA MARIA ROSA, ISRAEL JOSE ALVAREZ,
6 and MIGUEL LUIS LOPEZ ROSA.

7 1. Her date of birth is July 7, 1991.

8 2. Her last known address is 4320 W. Street Name, San Tan Valley, AZ 85140. Her phone number
9 is (555) 341-2742

10 B. SEAN ALVAREZ is the father of ISRAEL JOSE ALVAREZ

11 1. His date of birth is January 23, 1990.

12 2. His last known address is 3642 W. Missouri Road, Kansas City, MO 64030. His phone number
13 is (555) 224-2751.

14 3. He was never married to JOSEFINA MARIA ROSA.

15 4. He has established paternity of ISRAEL JOSE ALVAREZ. Paternity is established by
16 Acknowledgment of Paternity.

17 5. He does not have an order granting him custody of ISRAEL JOSE ALVAREZ.

18 6. He does not have a child support order as to ISRAEL JOSE ALVAREZ.

19 C. JAIME JAVIER LOPEZ is the father of MIGUEL LUIS LOPEZ ROSA.

20 1. His date of birth is March 13, 1997.

21 2. His last known address is 4320 w. Street Name, San Tan Valley, AZ 85140. His phone number
22 is (555) 631-4712.

23 3. He was never married to JOSEFINA MARIA ROSA.

24 4. He has not established paternity of MIGUEL LUIS LOPEZ ROSA.

25 5. He does not have an order granting him custody of MIGUEL LUIS LOPEZ ROSA.

1 2. The children are dependent due to Mother's failure to protect them from abuse. The mother
2 was unable to protect the children from physical abuse. The mother's boyfriend (who is the
3 father only to Miguel) has been physically disciplining the children and in the past it resulted
4 in serious or severe harm to the children. The mother stated there was no physical abuse in the
5 home. After the investigation the Department spoke with the mother's boyfriend who stated he
6 was responsible for Israel's gash. The mother, Ms. Rosa, denied her boyfriend was the cause
7 of the gash to her son's face. When the Department informed her that her boyfriend already
8 disclosed to the Department she then restated he did in fact cause the gash.
9

10 B. Upon information and belief, DCS alleges that ISRAEL JOSE ALVAREZ is dependent due to
11 neglect as to SEAN ALVAREZ.

12 1. The child is dependent as to Father Sean Alvarez due to neglect. Father is not actively involved
13 in his child's life and has not ensured safety. Mr. Alvarez has failed to maintain a normal
14 parent-child relationship. Mr. Alvarez reported he has attempted to engage in his parenting
15 time however the mother refused to hand over the child on the scheduled time. Father did reach
16 out to local law enforcement but stated they were unable to do anything as this was a family
17 court matter. Mr. Alvarez does reach out to Israel on the phone when able but mother will
18 block the call. Father has not made appropriate effort in gaining the legal ability to care for his
19 child. He has not supported this child in any way and has not provided for his basic needs.
20

21 C. Upon information and belief, DCS alleges that MIGUEL LUIS LOPEZ ROSA is dependent due to
22 neglect as to JAIME JAVIER LOPEZ.

23 1. The child is dependent as to Father Jaime Javier Lopez due to neglect. Father has not yet
24 established paternity for the child but reports to be the father. He reports struggling with
25 substance use.
26

27 D. Upon information and belief, DCS alleges that JIMENA MARIA ROSA is dependent due to
28 neglect as to ERIC ANDERSON.

1 The child is dependent as to Father Eric Anderson due to neglect and abandonment. Father is
2 unable to be located at the time of removal and is believed to be deceased. There is no evidence
3 he has provided reasonable support or the basic necessities of life to this child.

4 **VII.**

5 **Aggravating Circumstances**

6 Based upon available information, DCS believes that no aggravating circumstances exist at this
7 time pursuant to A.R.S. §§ 8-841(C)(5) and 8-846(D)(1).

8 **VIII.**

9 **Paternity**

10 The Department, pursuant to A.R.S. §§ 25-803 and 25-806, alleges:

- 11 A. The State of Arizona is entitled to bring this action pursuant to A.R.S. §§ 25-801 and 25-817.
12 B. The Department request the Court for any child identified herein whose paternity has not been
13 legally established, enter a judgement of paternity.
14 C. If any of the identified fathers fail to timely comply with an order from this Court to establish
15 his paternity, the Court may immediately enter a judgment of paternity upon request of DCS.
16 D. Upon information and belief, Mother alleges that at the period of conception she had
17 intercourse with ERIC ANDERSON and that he was the biological father of JIMENA MARIA
18 ROSA.
19 E. Upon information and belief, Mother alleges that at the period of conception she had
20 intercourse with JAIME JAVIER LOPEZ and that he is the biological father of MIGUEL LUIS
21 LOPEZ ROSA.
22
23

24 **IX.**

25 **Facts Supporting Contrary to the Welfare of the Children Finding**

26 Continuation of the children in the home would be contrary to the children's welfare. The results
27 of an investigation found that there is currently old food in the fridge. It was reported that the mother only
28

1 allows the children to eat once a day and that mother will withhold food for punishment. The children
2 report that they do not feel safe in the home. They are often left alone while mother works or is out with
3 friends. Upon arrival to the home, DCS observed a large gash on Israel's face, surrounded by bruising.
4 The child disclosed that it was obtained while mother's boyfriend (father to Miguel) threw him onto the
5 couch while spanking him, and it hit a metal object on the couch. Medical care was not sought for the
6 injury. Father to Miguel admitted that he caused the injury and that he had thrown him on the couch and
7 as spanking him and saw the injury and apologized to the child. Children also report that mother's boyfriend
8 (father to Miguel) has used objects to hit them leaving various marks and bruises in the past. The children
9 report that their beds were taken away from them approximately three months ago as punishment for not
10 doing their chores and they have not been returned yet. The children have not been told when they will be
11 getting their beds back. The children also reported that mother withholds food as a form of punishment.
12 They are often provided with only bread and peanut butter while mother and her boyfriend (father to
13 Miguel) will eat other food. The fridge has old and moldy food in it, and the children do not have access
14 to any food. The children report that they do not feel safe in the home. They report being left home alone
15 on a regular basis while mother is away. Israel is left home alone by himself when Jimena is working. The
16 children do not feel safe being left alone in the home due to the lack of access to food and not knowing
17 when mother or her boyfriend (father to Miguel) will return. Father to Jimena is currently unknown. Father
18 to Israel is Sean Alvarez and he allegedly lives in Missouri and has a warrant for failure to pay child support
19 in Arizona, no additional information. The children have not had any meaningful contact with their fathers
20 in a significant period of time, they do not report any relationship with their fathers, and do not wish to be
21 placed with their fathers for fear of the unknown. The family has a significant number of reports dating
22 back to 2010 including allegations of physical abuse, general neglect, condition of the home, substance use
23 disorder, and mother's significant others abusing the children. The children were removed from the
24 mother's care in 2019 due to substance use and untreated medical concerns for the mother. They have
25 participated both in dependency and in-home services. The mother is denying any issues in the home. The
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27
28

1 mother stated she was in substance use services, however, the mother was not being honest and during the
2 TDM DCS Specialist (DCSS) brought to her attention that the Department was aware she was not actively
3 going, to which she responded it was a new change but DCSS informed the mother that was not true either
4 and she has not been in some time. The mother shut down and stopped communicating with DCSS.

5 **X.**

6 **Facts Supporting the Reasonable Efforts Finding**

7
8 It is further requested that the Court find, based upon the verified allegations of the petition, that
9 reasonable efforts have been made to prevent removal of the children from the home. DCS conducted an
10 investigation into the current Hotline report. DCS responded to the hospital call and attempted to speak to
11 the mother, Josefina Rosa, however, Ms. Rosa was unwilling to cooperate with the Department. Ms. Rosa
12 was unable to provide the Department with a responsible adult that was able to pass the Department's
13 background check. DCS was therefore unable to implement a present danger plan. The Department was
14 unable to implement a present danger plan due to Ms. Rosa's lack of cooperation with the Department. Ms.
15 Rosa has previously been offered services in regards to a prior Out of Home and In-Home Case, including
16 Terros, Supervised Visits, and Family Focused Services. The Department held a Team Decision Making
17 Meeting on 01/04/2024 in which Ms. Rosa and Mr. Alvarez participated in.

18 **XI.**

19 **Facts Supporting Relative or Non-Relative Placement**

20
21 The Department made attempts to identify and assess placement with the children's grandparent,
22 extended family, and a person with a significant relationship with one of the children and that child is
23 currently in such a placement. The children's current placement is the least restrictive consistent with the
24 children's best interests.

25 The Department made attempts to identify and assess placement with the children's grandparent,
26 extended family, and people with a significant relationship with the children but such a placement is not in
27 the children's best interests at this time due to not being able to pass the Department's background check.

1 The mother was unable to identify any other family members that the children were able to go to. Jimena
2 was able to be placed with a person who was her former foster mother. The children's current placement
3 is the least restrictive consistent with the children's best interests.

4 **XII.**

5 **Financial Responsibility for the Support of the Child**

6 The parent(s) should pay an appropriate amount as determined by law for the care, maintenance,
7 and support of the children while in care pursuant to A.R.S. §§ 8-241, 8-243, and 8-243.01.

8 **XIII.**

9 **Education**

10 With regard to possible special education issues of any child named herein who is not placed with
11 a parent, or for any child subsequently removed from a parent(s) physical custody, DCS hereby requests an
12 order providing that:
13

- 14 1. In the event a public education agency or Arizona early intervention provider advises DCS that it
15 needs to locate a parent of any child named in this petition to serve as Individuals With Disabilities
16 Education Act (IDEA) parent for that child and a parent can no longer be located by DCS or
- 17 2. In the event the parent or legal counsel for the parent tells the public education agency, or DCS/its
18 legal counsel that the parent will not serve as the IDEA parent for the child name in this petition;
19 or
- 20 3. If the parent is subject to a no contact order as to any of the children; or
- 21 4. If a public education agency or an Arizona early intervention provider following reasonable efforts
22 to try and get a parent to respond to its requests to act as the IDEA parent for any child named in
23 this petition, fails to obtain a response or any cooperation of a parent, an adult relative, stepparent,
24 or foster parent with whom the child lives (but not staff of a group home or other residential facility)
25 shall have authority to serve as the IDEA parent.
26

1 The IDEA parent represents the children's special education interests under Parts B or C of the
2 IDEA. The purpose of such representation is to ensure that a child with suspected/known disability
3 receives prompt assessment and evaluation for eligibility for early intervention services or
4 appropriate educational services, which may include special education and related services
5 designed to meet the child's unique needs.

6 **REQUEST FOR RELIEF**

7
8 Based upon the foregoing allegations, immediate action is required.

9 WHEREFORE, DCS requests this Court find and/or order that:

- 10 1. The Juvenile court has jurisdiction over the subject matter and, after proper service on the
11 parents, guardian, and/or Indian custodians, the persons before this Court;
- 12 2. Venue is proper in this county;
- 13 3. The children are temporary wards of the Court, placed in the care, custody, and control of DCS,
14 3003 North Central Avenue, Phoenix, Arizona 85012, and;
 - 15 a. Placing JIMENA MARIA ROSA in the physical custody of LISA JONES a kinship
16 placement;
 - 17 b. Placing ISRAEL JOSE ALVAREZ in the physical custody of a DCS placement;
 - 18 c. Placing MIGUEL LUIS LOPEZ ROSA in the physical custody of a DCS placement;
- 19 4. Continuation of the children in the home would be contrary to the children's welfare;
- 20 5. Reasonable efforts have been made to prevent removal of the children from the home;
- 21 6. The Department made attempts to identify and assess placement with a grandparent or extended
22 family, including people with a significant relationship with the children. One child was placed
23 with a kinship placement. The other placements are not in the children's best interest at this
24 time;
- 25 7. The children are not Indian children as defined by the Indian Child Welfare Act, 25 U.S.C. §
26 1903 (4);
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- 1 8. In accordance with A.R.S. § 25-809 and other applicable law that:
- 2 a. JOSEFINA MARIA ROSA is the mother of the children born out of wedlock;
- 3 b. A determination as to the identity of the biological father is necessary to establish paternity
- 4 for any child named in this petition who was born out of wedlock;
- 5 c. If genetic testing has been ordered, a father's failure to participate may result in an order
- 6 of paternity naming him the legal father; and
- 7 d. After the establishment of paternity, enter an order requiring the Clerk of the Court to send
- 8 a certified copy of the paternity order for any child born in the State of Arizona, to the
- 9 Arizona Office of Vital Records, P.O. Box 3887, Phoenix, Arizona 85030-3887, which
- 10 shall establish, pursuant to A.R.S. § 36-323 a new birth certificate for the child reflecting
- 11 the name of the father;
- 12
- 13 9. A Preliminary Protective hearing be set pursuant to A.R.S. § 8-824, an Initial Dependency
- 14 Hearing pursuant to A.R.S. §§ 8-842 and 8-843, a Publication Hearing, and a Permanency
- 15 Hearing pursuant to A.R.S. § 8-862;
- 16
- 17 10. The matter be assigned to the Court Appointed Special Advocate (CASA) Program to
- 18 determine if it is appropriate for the assignment of an advocate;
- 19
- 20 11. The matter be assigned to the Foster Care Review Board (FCRB) to perform the duties required
- 21 by statute;
- 22
- 23 12. All persons are prohibited from removing the children from the State of Arizona without prior
- 24 written approval of DCS;
- 25
- 26 13. Any judgement and orders for the care, paternity, custody, support, or such other relief, as the
- 27 children's welfare and the interests of the State may require under the provisions of Title 8 and
- 28 Title 25 of the Arizona Revised Statutes;
14. That the parent(s) or legal guardians shall provide the DCS Child Safety Worker or its attorney
- with a recent educational history (including the name(s) and location(s) of the school(s) each

1 child named in the Petition recently attended and the grade in which each child was most
2 recently enrolled). The parent(s) or legal guardian(s) shall also provide or confirm the date of
3 birth of each child named in the Petition;

4 15. An individual other than a biological or adoptive parent is authorized to act as the IDEA parent
5 under the circumstances delineated herein;

6 16. All medical, dental, and mental health providers, health plans, Regional Behavioral Health
7 Authorities (RBHAs), as well as other Health Insurance Portability and Accountability Act
8 (HIPAA) covered providers who have provided any services to the children, make available to
9 any guardian ad litem for the children and/or attorney for the children the various medical,
10 dental, mental health, genetic, and other health care records of the children;

11 17. The allegations in this Petition are true by preponderance of the evidence and that the children
12 are dependent to all alleged parents, guardians, and/or Indian custodians as defined by A.R.S.
13 § 8-201(15), and that the children be made wards of the court committed to the care, custody,
14 and control of DCS;

15 **18. The parent, guardian, or Indian custodian be advised as follows;**

16 **a. Failure to appear without good cause may result in a finding that the parent, guardian,**
17 **or Indian custodian has waived his/her legal rights and admitted the allegations in the**
18 **dependency petition;**

19 **b. That hearings may go forward in his/her absence and may result in an adjudication**
20 **of dependency, permanent guardianship, or termination of parental rights based**
21 **upon the record and evidence presented to the Court, as well as an order of paternity,**
22 **suspension, or termination of an existing current child support order, custody, or**
23 **change of custody in a consolidated family law matter and an order for child support**
24 **if paternity as been established;**
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1 **c. Proceedings for permanent guardianship pursuant to A.R.S. §§ 8-871 and 8-872 or**
2 **proceedings for termination of parental rights pursuant to A.R.S. § 8-533 may be**
3 **initiated based upon the grounds set forth in statute or for failure to participate in**
4 **reunification services; and**

5 **d. If a child is under three years of age, within six months after removal from the home,**
6 **the Court will determine whether the parent, guardian, or Indian custodian has**
7 **substantially neglected or willfully refused to participate in reunification services**
8 **offered by DCS; admonish the parent, guardian, or Indian custodian that**
9 **substantially neglecting or willfully refusing to remedy the circumstances that cause**
10 **to be in an out-of-home placement, including refusing to participate in reunification**
11 **services, is a ground for termination of parental rights; and**

12 19. That the parent(s) or legal guardian(s) provide to this Court, as required by A.R.S. § 8-
13 841(E)(5), at the Preliminary Protective Hearing and/or the Initial Dependency Hearing; the
14 names, type of relationship, and all available information necessary to locate persons related to
15 the children or who have a significant relationship with the children. Persons related to the
16 children include the children's grandparents, great-grandparents, brothers or sister of whole or
17 half-blood, aunts, uncles, and first cousins. If the parent(s) or legal guardian(s) do not have
18 sufficient information available to locate a relative or person with a significant relationship
19 with the children, the parent or guardian(s) must inform this Court of that fact. The parent(s)
20 or guardians) must inform DCS immediately if the parent(s) or guardians(s) becomes aware of
21 information related to the existence or location of a relative or person with a significant
22 relationship with the children.
23 20. Notice is given that if DCS has temporary custody of a child or legal custody pursuant to a
24 court order, it has the authority to consent to: evaluation and treatment for emergency
25 conditions that are not life threatening; routine medical and dental treatment and procedures,
26

1 including early periodic screening, diagnosis, and treatment services, and services by health
2 care providers to relieve pain or treat symptoms of common childhood illnesses or conditions;
3 surgery; blood transfusions; general anesthesia; and testing for the presence of the Human
4 Immunodeficiency Virus (HIV), A.R.S. § 8-804.

5 21. Notice is given that DCS is proposing to substantiate any allegations of abuse and/or neglect
6 contained in the dependency petition for placement in the DCS Central Registry. The DCS
7 Central Registry is a confidential list of DCS findings that tracks abuse and neglect. If the court
8 finds your child dependent based upon allegations of abuse and/or neglect contained in the
9 dependency petition, you will be placed in the DCS Central Registry. *See* A.R.S. § 8-804.

10 22. Notice is given that under the Arizona Rules of Family Law Procedure 5.1(C), during any
11 dependency/guardianship proceedings in the juvenile division, the assigned juvenile division
12 may suspend, modify, or terminate a child support order for current support if the parent entitled
13 to receive the child support no longer has legal or physical custody of the child, and, except in
14 Title IV-D cases may make appropriate orders regarding any past due support or child support
15 arrears. The assigned juvenile division may direct that the wage assignment be quashed or
16 modified.
17

18 //

19 //

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21 //

22
23 RESPECTFULLY SUBMITTED this 5th day of January, 2024

24 KRISTIN T. BROWN
25 Attorney General

26 /S/ Robert S. Garcia
27 ROBERT S. GARCIA
Assistant Attorney General

1
2 ORIGINAL of the foregoing filed
3 this 5th day of January, 2024, with:

4 Clerk of the court
5 Pinal County Superior Court
6 971 North Jason Lopez Circle
7 Florence, AZ 85132

8 Copies of the foregoing emailed
9 this 5th day of January, 2024, to:

10 11 12	13 14	15 16	17 18 19
Monica Wright Case Manager monica.west@azdcsemail.gov	Dependency Supervisor/Secretaries Pinal County Juvenile Court Services pinalemail@courts.az.gov	Foster Care Review Board FCRBT@courts.az.gov	Protective Services Review Team PSRT@azdcsemail.gov
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20 /S/AM

21 AM/Rosa/Alvarez/ JD2024000000/ HDM# 00000000