

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2013-003814

07/09/2013

JUDGE DAVID J. PALMER

CLERK OF THE COURT

A. Ocanas

Deputy

IN RE THE MATTER OF  
SAMANTHA GARCIA

SAMANTHA GARCIA  
8809 W GARDENIA AVE  
GLENDALE AZ 85305

AND

WILLIE JAMES JACKSON JR.

WILLIE JAMES JACKSON JR.  
NO ADDRESS ON RECORD

JUDGE MIKITISH

MINUTE ENTRY

The Court is in receipt of a document purportedly filed by Petitioner/Mother Samantha Garcia with the Clerk of the Court titled "Voluntary Acknowledgement of Paternity." It is a document that asks for no order or relief from the Court, rather it asks that the Clerk of the Court for an order declaring that Willie James Jackson, Jr. is the natural Father of her son D'Angelo Allen Garcia.

On D'Angelo's birth certificate, it indicates he was born on September 8, 2001 to Mother and to father Daniel Allen Oltmans, born December 14, 1977 in the state of New Mexico.

The form pleading she submitted calls for the signature of natural Father, which in this case she claims is Willie James Jackson, Jr. Unfortunately, Mr. Jackson deceased, apparently on June 1, 2003.

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In place of Mr. Jackson's signature, she attaches an application for insurance benefits which she filed in October of 2012, attempting to claim on her son's behalf, benefits purportedly based on Mr. Jackson's participation social security. In essence she wants her son to receive benefits based on Mr. Jackson purportedly being D'Angelo's father.

There are several problems with Ms. Garcia's pleading, which the Court will deem as a request for this Court to order that the clerk issue an order that D'Angelo's birth certificate be amended to reflect that his biological father.

The first problem is that there is no indication that Mr. Jackson's estate has been notified that she is making this claim 10 years after his death. There is no indication in the files of the Clerk of the Court of this court that a probate case was ever opened following Mr. Jackson's death.

In the absence of an active probate case, a Special Administrator, possibly a member of Mr. Jackson's family, could possibly be the person to defend that request, and in the absence of a willing Special Administrator, the Public Fiduciary could possibly be appointed to defend the Request made by Mother.

It must be noted that the statements made herein are simply to direct Mother as to what must be done before this Court can grant the order which she seeks. It is not intended as legal advice and Mother is directed not to rely on it in that regard.

She is expressly directed to consult with her own legal counsel regarding this issue or to research the issue on her own, and/or with the Maricopa County Superior Court, Probate division for specific answers as to what must be done further before this court can grant her request.

The second problem is that another man is listed on the birth certificate as D'Angelo's father, and there is no notice that he has been given any notice of these proceedings, and as the named father he is a necessary party to this case. He has not been named as a party and there is no indication he has been served.

The third problem is that she submits as proof of Mr. Jackson's purported paternity of D'Angelo DNA test report that does not indicate that Mr. Jackson's DNA was used to establish his paternity. The alleged grandparent Terri Lynne Nelson was used to by Mother to attempt to establish Mr. Jackson's paternity of D'Angelo.

Based upon the above, it is ordered denying for the time being Ms. Garcia's request without prejudice.

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Until (1) such action is taken to allow the appointment of the appropriate person on behalf of Respondent's estate to allow notice to be given to the estate, and (2) the named father on the birth certificate, Daniel Allen Oltmans, is given notice of this action, this Court is unable to take any action on Mother's request.

**IT IS THEREFORE ORDERED** holding in abeyance Mother's request until appropriate actions are taken to resolve these two issues.

**IT IS FURTHER ORDERED** that any future hearings in this matter are to be held by either the Probate Division or the Family Court Division of the Honorable Joseph Mikitish of the Maricopa County Superior Court. Judge Mikitish has recently assumed the Family Court Division previously occupied by the undersigned.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED the \_\_\_\_ day of July, 2013

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JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.