

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-070536

11/13/2012

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT  
D. Berkland  
Deputy

IN RE THE MATTER OF  
DESERIE FOLEY

DESERIE FOLEY  
14727 W GELDING DR  
SURPRISE AZ 85379

AND

MARIO E GARCIA

MARIO E GARCIA  
2141 S 29TH AVE  
YUMA AZ 85364

OFFICE OF PUBLIC DEFENSE  
SERVICES-CCC

MINUTE ENTRY

Courtroom 122 – NWR

10:18 a.m. This is the time set for Emergency Hearing re: Respondent's Petition to Enforce Parenting Time, filed on June 29, 2012.. Petitioner is present appearing on her own behalf. Respondent is present appearing on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Desiree Foley and Mario Garcia are sworn.

Respondent/Father presents testimony.

Petitioner/Mother presents testimony.

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Respondent/Father presents further testimony.

Respondent/Father provides the Court with Progress Notes from Debra Black, LAC LASAC (Therapist) to the parties' minor child, Anthony Garcia.

Respondent's exhibit 1 is marked for identification and received in evidence by the Court, *sua sponte*.

The Court reads into the record excerpts from the Progress Notes prepared by Debra Black, LAC LASAC.

The Court having considered the testimony and the evidence presented,

**IT IS ORDERED** directing Respondent/Father to request that his sister, Elvia Powell (Garcia), be the intermediary for purposes of Father's parenting time so that the child may visit with both paternal aunt and Respondent/Father during Father's parenting time until such time as the child feels comfortable with Father.

**IT IS FURTHER ORDERED** that Father shall have parenting time with the child on Saturday, December 1, 2012 and Sunday, December 2, 2012 from 9:00 a.m. until 6:00 p.m. each day. Parenting time shall occur in the Phoenix metropolitan area.

**BEST INTEREST ATTORNEY TO BE APPOINTED**

**IT IS FURTHER ORDERED** appointing a Best Interest Attorney for the parties' minor child, Anthony Garcia, date of birth October 9, 1997. The Best Interest Attorney shall investigate the filing of an incorrigibility action with the juvenile court due to the allegation that the child refuses to participate in parenting time with Father. The Best Interest Attorney shall meet with the child within ten (10) days of appointment. See separate minute entry for specifications regarding the appointment of the Best Interest Attorney.

**IT IS FURTHER ORDERED** that the parties shall equally pay the costs associated with the Best Interest Attorney.

**IT IS FURTHER ORDERED** affirming all other orders currently in full force and effect.

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**REVIEW HEARING SET**

**IT IS FURTHER ORDERED** setting the above-captioned matter for **Telephonic Review Hearing re: Father's parenting time** on **Monday, December 10, 2012** at **1:30 p.m.** before the Honorable Jose S. Padilla, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374. The parties may contact the Court's judicial assistant at 602-372-0901 at the commencement of the hearing.

10:28 a.m. Matter concludes.

FILED: Exhibit Worksheet

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