

JUVENILE COURT OBION COUNTY	<h1 style="margin: 0;">CIVIL SUMMONS</h1> <p style="margin: 0;">page 1 of 1</p>	Case Number
MARIO RENE AROCHE MAEDA & ESTELA ROSA PENA v. ESTUARDO MARTINEZ		

Served On:

Estuardo Martinez

You are hereby summoned to defend a civil action filed against you in **Juvenile Court, Obion County, Tennessee in Union City**. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: _____

Clerk / Deputy Clerk

Attorney for Plaintiff: JENNIFER FINCH MCEWEN (024961), FINCH MCEWEN LAW
108 S. Court Square, Trenton, TN 38382 731.470.4495

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this 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 do not need to be listed; these include items of necessary wearing apparel (clothing) for your self 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. Please state file number on list.

Mail list to _____, _____ Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, _____, Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within thirty days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date: _____

By: _____
Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on the ____ day of _____, 2024, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff

Plaintiff's Attorney (or Person Authorized to Serve Process)
(Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____.

IN THE JUVENILE COURT OF OBION COUNTY, TENNESSEE

IN THE MATTER OF:

ALISSON DANIELA MARTINEZ ROSA (DOB: 03.05.11)

A child under the age of 18

No: 6840

By:

MARIO RENE AROCHE MAEDA

And ESTELA ROSA PENA, Maternal Uncle and Aunt,
Petitioner,

vs.

ESTUARDO MARTINEZ, father.

Respondent.

Biological mother is deceased.

FILED Oct. 10th, 2024
TIME _____
DENISE TAYLOR, CLERK
[Signature] D.C.

ORDER

UPON HEARING on the Verified Petition for Dependency and Neglect and Ex Parte Order of Emergency Custody, it is determined that the Father's exact address is unknown but is believed to reside in Guatemala.

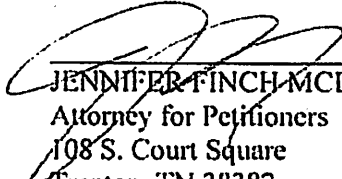
IT IS ORDERED, ADJUDGED AND DECREED: Service by publication in circulated newspaper in the area of the last known address for the Father in Guatemala will be permitted.

ENTERED THIS THE 10th DAY OF Oct., 2024.

[Signature]
HONORABLE SAM NAILLING
JUVENILE JUDGE

Respectfully submitted,

FINCH MCEWEN LAW



JENNIFER FINCH-MCEWEN, BPR #024961
Attorney for Petitioners
108 S. Court Square
Trenton, TN 38382
Telephone: 731.470.4495

IN THE JUVENILE COURT OF OBION COUNTY, TENNESSEE

IN THE MATTER OF:

ALISSON DANIELA MARTINEZ ROSA (DOB: 03.05.11)

A child under the age of 18

No: 6240

By:

MARIO RENE AROCHE MAEDA

And ESTELA ROSA PENA, Maternal Uncle and Aunt.

Petitioner,

vs.

ESTUARDO MARTINEZ, father.

Respondent.

Biological mother is deceased.

FILED Oct. 21st, 2024
TIME _____
DENISE TAYLOR, CLERK
[Signature] D.C.

ORDER

This matter came to be heard on the 11th day of September, 2024 before the Honorable Sam Nailling, Judge for the Juvenile Court of Obion County, Tennessee upon a Verified Petition for Dependency and Neglect and Ex-Parte Order for Emergency Custody. Based on the pleadings filed, statements of the parties, and the entire record, this Court finds as follows:

1. Parties present before the court were: Mario Rene Aroche Maeda and Estela Rosa Pena, maternal uncle and aunt; and Jennifer Finch McEwen, attorney for petitioners.
2. An ex-parte order was entered by the Court on September 11, 2024.
3. The Father's last known location was Guatemala.
4. Probable cause is found that the child is dependent and neglected due to the child being without a legal guardian.
5. Court finds it in the best interest of the child to appoint a Guardian ad Litem.
6. Court orders service to be obtained by publication in Guatemala.


It is therefore ORDERED, ADJUDGED, and DECREED as follows;

1. The child shall remain in the custody of Mario Rene Aroche Maeda and Estela Rosa Pena pending further orders of this court;
2. Frank Holbrook shall be appointed as Guardian ad Litem for the child;
3. The ex-parte order is extended for good cause and shall remain in effect pending further orders of the court;
4. Service on the Father shall be obtained by publication;
5. A home study shall be conducted by the Department of Children Services;
6. Mario Rene Aroche Maeda and Estela Rosa Pena is hereby authorized to provide and consent to any and all necessary medical, surgical, hospital, educational, institutional, psychiatric, or psychological care of the child pending further orders of this Court;
7. No person, including but not limited to the other parties hereto, shall remove this child from the care, custody and control of Mario Rene Aroche Maeda and Estela Rosa Pena.

ENTERED THIS 21st DAY OF October, 2024
NUNC PRO TUNC FOR SEPTEMBER 11, 2024.


HONORABLE SAM NAILLING
JUVENILE JUDGE

Approved by:


Jennifer Finch McEwen (BPR024961)
Attorney for Petitioners
108 S. Court Square
Trenton, TN 38382
731.470.4495 – office
731.201.3010 – fax
finchmcewenlaw@gmail.com

CERTIFICATE OF SERVICE

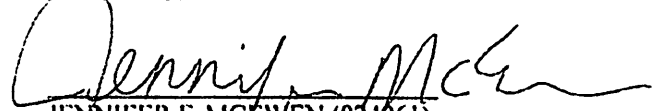
I hereby certify that I served a copy of the foregoing upon the following person(s) by the following method on the 14th day of September, 2024,

- ☒ U.S. Mail (First Class Postage Prepaid)
- ☐ Email with courtesy copy mailed
- ☐ Hand delivery
- ☐ U.S. Mail (Certified Return Receipt Requested)
- ☐ Fax

Frank Holbrook
P.O. Box 8
Union City, TN 38281
Fholbrook.law@protonmail.com

Department of Children Services
Marlene Simpson
1979 St. John Ave
Dyersburg, TN 38024
Marlene.Simpson@tn.gov

FINCH MCEWEN LAW



JENNIFER F. MCEWEN (024961)

108 S Court Square

Trenton, TN 38382

731-470-4495

finchmcewenlaw@gmail.com

Attorney for Petitioners

IN THE JUVENILE COURT OF OBION COUNTY, TENNESSEE

IN THE MATTER OF:

ALISON DANIELA MARTINEZ ROSA (DOB: 03.05.11)

A child under the age of 18

No: 6840

By:

MARIO RENE AROCHE MAEDA

And ESTELA ROSA PENA, Maternal Uncle and Aunt,
Petitioner,

vs.

ESTUARDO MARTINEZ, father.
Respondent.

Biological mother is deceased.

FILED Sept. 11th, 2024
TIME _____
DENISE TAYLOR, CLERK
[Signature] D.C.

**VERIFIED PETITION OF DEPENDENCY AND NEGLECT AND FOR EX PARTE
ORDER OF EMERGENCY CUSTODY**

COMES NOW the Petitioners, MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA, maternal uncle and aunt, by and through counsel of record, Jennifer Finch McEwen, and respectfully moves this Honorable Court to find the child ALISON DANIELA MARTINEZ ROSA (DOB: 03.05.11, 13 yrs old) Dependent and Neglected under the laws of the State of Tennessee, pursuant to T.C.A. Sections 37-1-129 through 130, and move for emergency custody to be placed into the immediate custody of the Petitioner by *ex parte* Order, and after a finding of Dependency and Neglect grant Permanent Custody or Legal Guardianship to the Petitioners.

In support thereof, Petitioner states as follows:

I. Jurisdiction, Venue & Parties

1. Jurisdiction over this action is proper under T.C.A. Section 37-1-103. Venue is

proper T.C.A. Section 37-1-111(a) and (c).

2. Petitioners, MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA, are the maternal uncle and aunt to the subject minor child living in Obion County, Tennessee; the parties are married.

3. Petitioners live at 511 N 2nd St, Union City, TN 38261.

4. The Mother, SILVIA ROSA PENA DE MARTINEZ, passed away on February 19, 2024.

5. The Mother was the legal custodian of the child, and they moved to the United States in approximately 2017.

6. The biological father is ESTUARDO MARTINEZ. His last known country of residence was Guatemala. The petitioners are unaware of his location, and the child has not seen her father since she was approximately 3 years old.

5. Pursuant to the Uniform Child Custody and Jurisdiction Enforcement Act, Petitioners state that they have not participated in any other litigation or proceeding concerning the custody of the minor child, and that they are unaware of any other such proceeding that could affect this action, and that the Petitioners do not know of any other person not a party hereto who has physical custody of the child or claims a right of legal or physical custody thereto, or visitation therewith, except as otherwise stated herein.

6. No party hereto is a member of the Armed Forces, and the Service Members Civil Relief Act does not apply to this proceeding.

7 This child is not an Indian child, and the Indian Child Welfare Act does not apply to this proceeding.

II. Dependency & Neglect

1. ALISON DANIELA MARTINEZ ROSA is dependent and neglected within the meaning of T.C.A. Section 37-1-102(b) (13), subsections as follows:

(A) Who is without a parent, guardian or legal custodian;

2. "Emergency removal" in this case is permissible under T.C.A. § 37-1-114(a)(2) as there is probable cause to believe that:

- a. The child is neglected, dependent or abused; and
- b. The child is subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm; or the child may abscond or be removed from the jurisdiction of the court.

3. The child is dependent and neglected due to one or more of the facts herein after stated:

- a. The child is without a legal custodian due to her mother passing away.
- b. The Father's whereabouts are unknown but believed to be in another country.
- c. The child is enrolled in school, but the school is requiring a custody order to be able to continue to meet the child's educational needs.
- d. The Petitioners are unable to seek medical care for the child.

III. Emergency Removal and Placement in Related Caregiver Custody

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

2. There is no less drastic alternative to placing the child in the custody of the

Petitioners.

3. Emergency removal and placement of the child in the custody of the Petitioner is proper under TN Code § 37-1-183 (2019) pending all hearings hereon and thereafter.

4. Continued placement of child in custody of the Petitioners now and after the adjudication and upon disposition is in the best interests and welfare of the minor child.

5. An emergency removal without a hearing via *ex parte* order is warranted in this cause.

6. The Petitioners are fit and suitable to have custody of the child and there is no one left in the state to care for the child.

V. Best Interest

1. It is in the best interest of the child that this proceeding be brought. It is contrary to the welfare of the child to remain without a legal guardian therefor the child shall be placed in the legal custody of the Petitioners for the reasons stated herein.

PREMISES CONSIDERED; PETITIONERS PRAY:

1. That upon the filing or presentment of this Petition, the Court enter an *ex parte* Emergency Removal and Order of Custody with Petitioners placing the children in the Petitioner's custody pending a probable cause hearing and subsequent adjudication and disposition; and that the same is proper before notice to the Father.

2. That service of process issue on the Respondent/father and all other interested parties; that they be served with copy of the Summons and Petition, with Emergency Protective Custody Order; and that a hearing be set hereon, with all parties named herein being required to appear in Court and give answer hereto;

3. That a preliminary hearing be set on this cause no later than three (3) days from removal excluding Saturdays, Sundays and legal holidays, but not longer than eighty-four (84) hours after the child's removal to determine the issue of temporary custody of the child pending the final adjudication and disposition;

4. That a Guardian ad Litem be appointed for the child, should the Court find fit to do so; compensated pursuant to law and applicable rules, with cost being paid by Respondent;

5. That the Court consider the need to appoint counsel for the parties who may be incompetent and/or otherwise indigent if applicable and required under the laws of the State of Tennessee and applicable rules;


6. That at a final hearing of this matter, the Court find that the above-named child is dependent and neglected within the meaning of the statute; and that it is contrary to the children's best interests to remain without a legal custodian.

7. That based upon the findings above, the Court award temporary custody, permanent custody, or permanent guardianship of the child to the Petitioners, granting the authority to consent to ordinary and necessary medical, surgical, hospital, education, institutional, psychiatric or psychological care, subject to further orders of the Court, as well as education needs.

8. That the Court inquire into the ability of the parent to pay support and the cost of medical care of the children and enter an Order accordingly with the child's survivor benefits redirected to petitioners.

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

FINCH MCEWEN LAW



JENNIFER FINCH MCEWEN (BPR# 024961)
Attorney for the Petitioners
108 S. Court Square
Trenton, TN 38382
Telephone: 731.470.4495
Fax: 731.201.3010
finchmcewenlaw@gmail.com

COST BOND

I, the undersigned attorney, and my law firm are a surety for costs in this matter.

FINCH MCEWEN LAW



JENNIFER FINCH MCEWEN

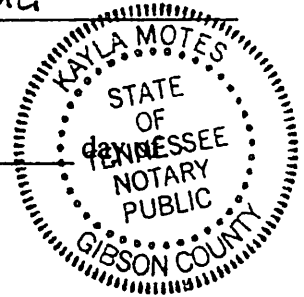
OATH

STATE OF TENNESSEE
COUNTY OF GIBSON

I, **ESTELA ROSA PENA**, make oath that the facts stated in the foregoing document and the allegations therein are sworn as being true to the best of my knowledge and belief; that the Petition is not made out of levity or by collusion with the defendant/respondent, but in sincerity and truth, for the causes mentioned in said bill.

Estela Rosa Pena
ESTELA ROSA PENA

SWORN TO AND SUBSCRIBED before me this the 5th
September, 2024.



Kayla Motes
NOTARY PUBLIC
My Commission Expires: 4-1-28

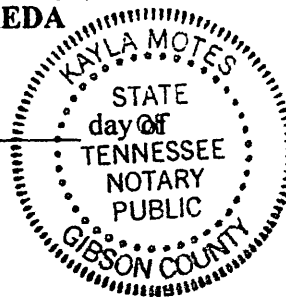
OATH

STATE OF TENNESSEE
COUNTY OF GIBSON

I, **MARIO RENE AROCHE MAEDA**, make oath that the facts stated in the foregoing document and the allegations therein are sworn as being true to the best of my knowledge and belief; that the Petition is not made out of levity or by collusion with the defendant/respondent, but in sincerity and truth, for the causes mentioned in said bill.

Mario Rene Aroche Maeda
MARIO RENE AROCHE MAEDA

SWORN TO AND SUBSCRIBED before me this the 5th
September, 2024.



Kayla Motes
NOTARY PUBLIC
My Commission Expires: 4-1-28

IN THE JUVENILE COURT OF OBION COUNTY, TENNESSEE

IN THE MATTER OF:

ALISON DANIELA MARTINEZ ROSA (DOB: 03.05.11)

No: 6840

A child under the age of 18

By:

MARIO RENE AROCHE MAEDA

And ESTELA ROSA PENA, Maternal Uncle and Aunt,
Petitioner,

vs.

ESTUARDO MARTINEZ, father.
Respondent.

FILED: Sept 11th, 2024
TIME _____
DENISE TAYLOR, CLERK
[Signature] D.C.

Biological mother is deceased.

EX PARTE EMERGENCY REMOVAL AND CUSTODY PLACEMENT ORDER

TO: ESTUARDO MARTINEZ _____

UPON PETITION FOR DEPENDENCY AND NEGLECT, FOR EX PARTE EMERGENCY REMOVAL AND CUSTODY PLACEMENT WITH **MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA**, the allegations of which are all incorporated by reference herein including no legal custodian, the Court finds as follows:

1. This Court has jurisdiction over this action and the parties, and venue is appropriate in this County.
2. There is danger of immediate harm to the child due to the allegations contained in the verified petition.

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the child **ALISON DANIELA MARTINEZ ROSA (DOB: 03.05.11)**, shall be placed with **PETITIONERS: MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA**, the maternal uncle and aunt, placing said person(s) in immediate emergency protective custody pending preliminary hearing and adjudication on the Petition and further orders of this Court;

2. Petitioner(s) shall have all usual parental rights and entitlements given unto parents by law to and over the children including but not limited to the right to: enroll the child in school or other institution, provide for education needs, receive protected health information, to request and authorize medical treatment and care, and to obtain health insurance for the child; and

3. That Respondent **ESTUARDO MARTINEZ**, Father, as well as all other persons acting in concert or independently of the Respondent, is hereby **ORDERED** to release and relinquish custody and control of the minor child unto the **PETITIONERS MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA** and law enforcement agencies effecting this Order, and is hereby further **RESTRAINED AND PROHIBITED** from in any way interfering with in any way the Petitioners' legal custody of the child under this Order and shall not have any contact unless permitted by petitioners and shall in no event have any unsupervised contact with the child; and

4. That any violation of this Order by the Respondent shall be actionable contempt, subject to fines and/or incarceration in the Obion County Jail.

5. All law enforcement agencies are authorized to fully enforce and give effect this Order including but not limited to removal of the child from the care, custody and control of

Respondents and/or any person other than MARIO RENE AROCHE MAEDA and ESTELA ROSA PENA.


6. That a hearing on this matter will be held on the _____ day of _____, 2024, at _____ A.M./P.M. in the OBION COUNTY JUVENILE COURT IN UNION CITY, TENNESSEE; and that YOU, **ESTUARDO MARTINEZ**, have the right to secure counsel to represent you at the hearing.

ALL OF WHICH IS SO ORDERED, ADJUDGED AND DECREED, THIS 11th DAY OF September, 2024, AT 10:25 O'CLOCK 10:25 am


HONORABLE SAM NAILLING JR.
JUVENILE JUDGE

Respectfully submitted,

FINCH MCEWEN LAW


JENNIFER FINCH MCEWEN, BPR #024961
Attorney for Petitioners
108 S. Court Square
Trenton, TN 38382
Telephone: 731.470.4495
fathinchmcewenlaw@gmail.com