

State of Tennessee
KNOX COUNTY JUVENILE COURT
Charles D. Susano III, Clerk

State of Tennessee,
Department of Children's Services,

Petitioner

Vs

Jenny Patricia Hernandez

Respondents

In the Matter of: Eduar Josue Perez Hernandez, b.d. 12/16/2007

SUMMONS

To Jenny Patricia Hernandez:

You are hereby summoned to make defense to the Motion for Special Immigrant Juvenile Status of Findings filed in the Juvenile Court of Knox County, Tennessee, by the State of Tennessee, Department of Children's Services. You are hereby summoned to appear and defend this petition on:

November 6, 2025 at 9:00 a.m.,

at the Juvenile Court for Knox County, located at 3323 Division Street, Knoxville, Tennessee 37919.

If you fail to do so, a judgment by default can be taken against you for the relief demanded in the petition.

CHARLES D. SUSANO III

Clerk

Issued this 7 day of May, 2025.

By E. Stahwell
Deputy Clerk

Attorney for Petitioner: Department of Children's Services, Staff Attorneys, 2600 Western Avenue, Knoxville, Tennessee 37921.

RETURN

I certify that I served the within Summons on the _____ day of _____, 2025 by delivering a copy of the Summons and Petition to Respondent personally at:

or by _____

Deputy Sheriff/Private Process Server



ADA
FOR ASSISTANCE CALL
865 / 215-4437

Elizabeth.Golem@knoxcounty.org

2025.07.24 09:11:21

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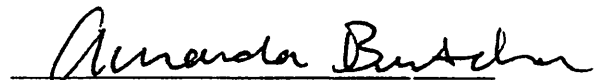
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interest to remain in the custody of the Department of Children's Services of the State of Tennessee.

7. Movant Prays that this matter be placed upon the Court's docket for a hearing on the 10th day of November, 2025, at 9:00 A.M./P.M.

Prepared By:


Amanda Butcher, BPR #037678
Assistant General Counsel
Department of Children's Services
2600 Western Avenue
Knoxville, Tennessee 37921


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 Motion addressed to:

Adam Moncier
KCJC Clerk's Office, Attorney Mailbox

David Vander Sluis
KCJC Clerk's Office, Attorney Mailbox

Jenny Patricia Hernandez
Unknown Address in Honduras



Amanda Butcher

IN THE JUVENILE COURT OF KNOX COUNTY, TENNESSEE

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

PETITIONER

v.

**JENNY PATRICIA HERNANDEZ [Mother]
Honduras
Phone: +50496950648**

**JOSE OCTAVIO PEREZ [Father]
Whereabouts and Contact Information Unknown**

RESPONDENTS

IN THE MATTER OF:

**Eduar Josue Perez Hernandez, b.d. 12/16/2007
A CHILD UNDER EIGHTEEN (18) YEARS OF AGE**

**PETITION for ADJUDICATION of DEPENDENCY & NEGLECT,
for PROTECTIVE CUSTODY ORDER,
and for TEMPORARY LEGAL CUSTODY**

The State of Tennessee, Department of Children's Services, by and through its duly authorized representative, Travis Darrow, Case Manager, asks this Court to find the child, Eduar Josue Perez Hernandez, dependent and neglected, and to award temporary legal custody of this child to Department of Children's Services pursuant to T.C.A. § 37-1-129-130. This petition is brought upon information and belief and upon the following reasonably ascertainable facts.

I. JURISDICTION & VENUE

1. This Court has jurisdiction over this action pursuant to T.C.A. 37-1-103(a)(1). Venue is appropriate in this Court pursuant to T.C.A. § 37-1-111(a) and (c) because the child is a resident of and currently present in this County.

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, except as otherwise noted in this petition.

3. During the last five (5) years, the child has lived with the following people at the addresses shown below: the child reportedly has only been in the US for 6 months. He lived in North Carolina for 4 months, and then he was brought to Tennessee for a different work contract. He has been in Tennessee for 2 months. He was fired from his job and dropped off in the area of Jade Road and Sutherland Road in Knoxville on December 16, 2024. He slept on the street on the night of December 16, 2024.

4. Neither parent is currently serving in the Armed Forces and the Servicemembers 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. Eduar Josue Perez Hernandez is dependent and neglected within the meaning of T.C.A. § 37-1-102(b)(13)(A), (B), and (C) due to the mother living in Honduras and being unable to come and retrieve the child and the father's

abandonment of the child and failure to provide appropriate care and supervision.

2. The Department received a referral on December 17, 2024 with allegations of abandonment. The referral alleged that the child has been in Knoxville for two months. Prior to that, the child was in North Carolina possibly working with strangers. He may have been in North Carolina for six months. He may have entered the US illegally. He was dropped off on Jade Road yesterday by the people he had been staying with. He stayed in that area overnight. It is believed that he slept outside.

3. The case was assigned to Case Manager Travis Darrow. Case Manager Darrow met with the child on December 17, 2024 with the assistance of an in-person translator. The child reported that he does not have any family or friends in the area. He was working and staying with the people he worked with, but he got fired yesterday and they dropped him off on the side of the road. He stayed in the area all night and during the day on December 17, 2024. He called the police for help.

4. The child reported that he has family in Texas, but that person is also a minor.

5. The child came across the border and turned himself in to immigration. From there, he contacted his mother, who contacted his father in the US. He came to the US to go to school, but when he was released to his father from the immigration holding facility, his father told him that he cannot take care of him and that he needs to work. This was the first time he met his father.

6. He worked at the same place his father worked, but his father was sent to a different job location, and he does not know where he is or have his phone number. He had a phone number for his mother. Eduar reported that there are a lot of gangs where he lived in Honduras, and that is one of the

reasons that he left to come to the US. He thinks that if he goes back, it will be more dangerous for him since he left to get away from the gangs.

7. Case Manager Darrow spoke with the child's mother. The mother reported that she lives in Honduras. The mother reported that she has a brother-in-law named Walter who lives in Texas, and the child has a paternal uncle, named Henry Perez. The mother reported that Eduar knows about his uncle, and she is not sure why Eduar would not have identified Mr. Perez.

8. The mother reported that when Eduar left Honduras, people had been making threats toward him and she would prefer it if he could stay in the US. The mother provided a phone number for Eduar's uncle, Henry Perez, and she stated that she would try to find her brother-in-law's phone number.

9. Case Manager Darrow spoke with law enforcement and considered Columbus Home as a resource for the child. This and other community options were not available to Eduar, so he was removed and placed in foster care.

III. REASONABLE EFFORTS

1. Reasonable efforts have been made to prevent removal of this child from the home, specifically the Department sought safe and appropriate community resources for the child while a plan could be developed for the child.

IV. CUSTODY

1. Based on the facts stated above, the child was subject to an immediate threat to the extent that delay for a hearing would have been 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 child's health and safety pending a preliminary hearing.

3. The child was removed into protective custody by the Department of Children's Services on 4:30pm at approximately December 17, 2024.

4. The child was removed from the home and legal custody of **Jenny Patricia Hernandez**.

V. BEST INTEREST

It is in the best interest of the child and the public that this proceeding be brought. It is contrary to the welfare of the child to remain in the home, and the child 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 this child is Jenny Patricia Hernandez whose contact information is shown in the caption.
2. The father of this child is Jose Octavio Perez whose contact information is shown in the caption.

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 this 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, pursuant to law, a summons also be directed to Eduar Josue Perez Hernandez.
5. 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.
6. 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.

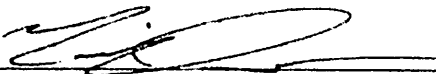
7. That at a final hearing of this matter, the Court find the above-named child to be dependent and neglected within the meaning of the law; that it is contrary to the child's best interest to remain in home; that reasonable efforts were made to prevent removal of the child or that reasonable efforts were not required, and that there is no less drastic alternative to removal.

8. 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.

9. That the Court enter an order pursuant to Tennessee Code Annotated § 63-1-165 granting the Department the authority to consent to any necessary vaccination of the child.

10. 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.

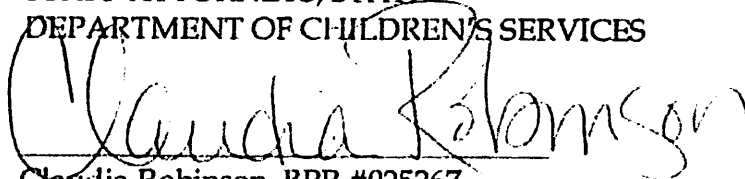
11. That the Court grant any other general relief necessary.



Travis Darrow, Case Manager
Knox County Office of the
Department of Children's Services
2600 Western Avenue
Knoxville, Tennessee 37921

Douglas E. Dimond
Claudia Robinson, Robert W. Rogers
Elizabeth Smith, Tyler B. Combs
Amanda Butcher, Emily Mullins
Nicole Uribe

STAFF ATTORNEYS, STATE
DEPARTMENT OF CHILDREN'S SERVICES




Claudia Robinson, BPR #025267
Regional General Counsel
Department of Children's Services
2600 Western Avenue
Knoxville, Tennessee 37921

STATE OF TENNESSEE
COUNTY OF KNOX

I, Travis Darrow, 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.


Travis Darrow, Case Manager

Sworn to and subscribed before me this the 18th day of December, 2024.


Notary Public
Tennessee
NOTARY PUBLIC
KNOX COUNTY
My Commission expires: _____

File stamped: 12/18/2024 4:34:42 PM

IN THE JUVENILE COURT OF KNOX COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 47JC1-2024-DN-996

Eduar Josue Perez Hernandez - DOB [REDACTED]

A Child Under 18 Years of Age

EX PARTE PROTECTIVE CUSTODY ORDER

This matter came to be heard on the, before the Honorable Stacy M. Eckard.

Based upon the facts stated in the verified petition filed on December 18, 2024, by the Tennessee Department of Children's Services (hereafter called "the Department"), the Court finds:

A. JURISDICTION:

1. This Court has jurisdiction over this action, and venue is appropriate in this county.

B. PROBABLE CAUSE:

1. That there is probable cause to believe the above-named child is dependent and neglected pursuant to T.C.A. § 37-1-102(b)(13) due to the mother living in Honduras and unable to come and retrieve the child and the father's abandonment of the child and failure to provide appropriate care and supervision.

C. REMOVAL:

1. There is no less drastic alternative to removal available that would reasonably and adequately protect the child's health and safety.
2. It is contrary to the child's welfare to remain in the home for the reasons set out in the petition.

D. REASONABLE EFFORTS:

1. The Department made reasonable efforts to prevent the child's removal from the home.

It appears to the Court that the following is in the best interest of the child and the public. **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

E. CUSTODY:

1. The above-named child is brought within the protective jurisdiction of the Knox County Juvenile Court.
2. Temporary custody of the child is hereby awarded to the State of Tennessee, Department of Children's Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or educational care, and to make appropriate plans for the child's care and supervision.
3. The Court further orders 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.

F. NOTIFICATION TO THE PARTIES:

1. A parent's willful failure to support or visit his or her child(ren) for four (4) months or more could constitute abandonment and be used as a ground to terminate parental rights to that child/those children.
2. All records produced by the Department during these proceedings, either in response to or a discovery request or distributed at a hearing, shall be maintained by the parties and their counsel as confidential records and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Department or the individual identified in the record.
3. At the conclusion of these proceedings, all such records containing protected health information (including medical, mental health, and substance abuse treatment records) in the possession of the parties and their counsel shall be returned to the Department or destroyed.

G. OTHER ORDERS:

That temporary legal custody of the above-named child is awarded to the State of Tennessee, Department of Children's effective December 17, 2024 and until further order of this Court. The parties shall appear for a hearing regarding Child Support on March 11, 2025 at 9am at the Knox County Juvenile Court Child Support Division. The parties may request a Preliminary Hearing and a Preliminary Hearing shall be set within 72 hours of the request for hearing.

H. NEXT COURT DATE:

1. The matter is set for Adjudicatory/Dispositional Hearing on 1/13/2025 at 9:00 AM in Magistrate Stacy M. Eckard's courtroom, in the Knox County Juvenile Court, for which the parties shall appear.

ENTERED this date.



12/18/2024

The Honorable Stacy M. Eckard
Juvenile Court Magistrate

NOTICE OF REQUEST FOR REVIEW BY JUDGE

Pursuant to T.C.A. § 37-1-107, an order signed by a magistrate becomes the final order of the juvenile court within ten (10) days, excluding Saturdays, Sundays and legal holidays, from the date the order is entered. A party may within ten (10) days from the date the order is entered, file a written request for review of the record by the juvenile court judge with the juvenile court clerk. The written request must include specific exceptions to the magistrate's findings, conclusions, or recommendations. Upon filing of the request, the juvenile court judge shall issue written findings, conclusions or recommendations or may schedule a new hearing of any issues the judge deems necessary with notice to all parties. A magistrate's order must be obeyed until the judge rules otherwise. ANY FAILURE TO COMPLY WITH AN ORDER IS PUNISHABLE BY CONTEMPT, FOR WHICH THE PENALTIES MAY INCLUDE A FINE AND/OR IMPRISONMENT.

PREPARED FOR ENTRY:



Stacy M. Eckard, STA.ECK
Magistrate, Knox County Juvenile Court
Email: stacy.eckard@knoxcounty.org
Work Phone: 8652156400

CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below on the date of this order:

Jenny Patricia Hernandez, Address unknown
Jose Octavio Perez, Address unknown
Department of Children's Services, claudia.robinson@tn.gov



Charles D. Susano, III
Juvenile Court Clerk

File stamped: 4/4/2025 10:06:30 AM

IN THE JUVENILE COURT OF KNOX COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 47JC1-2024-DN-996

Eduar Josue Perez Hernandez - DOB [REDACTED]

A Child Under 18 Years of Age

PROGRESS REVIEW ORDER

This matter came to be heard on 2/13/2025 and 3/13/2025, before the Honorable Stacy M. Eckard, for a periodic progress/judicial review.

Present in Court were the following persons: Eduar Josue Perez Hernandez, David Vander Sluis (Appointed Attorney for Jose Octavio Perez), Amanda Butcher (DCS Attorney) and Adam Moncier (Guardian Ad Litem for Eduar Josue Perez Hernandez), and DCS (Jennifer Miskell), foster mother.

The Court, having considered the testimony and evidence presented including an affidavit of reasonable efforts, a quarterly progress report submitted by the Department, and a proposed permanency plan dated February 26, 2025 and the entire record, finds as follows by a preponderance of the evidence:

A. TIMELINESS:

1. The child came into foster care on December 18, 2024.
2. The current permanency hearing is timely in that the child has been in foster care for less than 12 months.

B. PLACEMENT:

1. The current placement of the child is in a DCS foster home.
2. This placement is safe and appropriate and in the child's best interest.

C. SERVICES:

1. Evidence presented as to the child's progress and needed services shows that the child is receiving (or have received): appropriate foster care placement, medical evaluation, medical treatment, and phone call visitation with Mother
2. These services are in the child's best interest.
3. Additional services are required, specifically: The child will need some more clothes. The foster mother said they will need help with transportation to and from school, and they have not yet heard back from the school on that issue. DCS will assist in speaking to the school about transportation and will provide a clothing allotment.
4. The Department has provided or referred the following for the parents(s) or ensured that the parent(s) otherwise have access to: visitation and basic parenting instruction.

D. REASONABLE EFFORTS:

1. The Department is making reasonable efforts toward finalizing the permanency by ensuring the child is receiving placement and services as recommended and that the parents have access to all treatment and services required on the plan.

E. COMPLIANCE AND PROGRESS:

1. Compliance with the current permanency plan is as follows:
 - a. The Department is in substantial compliance.
 - b. Jenny Patricia Hernandez is not in substantial compliance in that she has not completed steps on the permanency plan.
 - c. Jose Octavio Perez is not in substantial compliance in that he has not completed steps on the permanency plan and has not had contact with DCS.
2. Progress toward resolving the reasons the child is in foster care has been made but the following barriers still exist: completion of the permanency plan.

F. PROPOSED PERMANENCY PLAN:

1. The goal(s) of the proposed permanency plan is/are Reunification and Relative/Kinship Placement and the goal(s) are appropriate and in the child's best interest.
2. The child did participate in development of the proposed permanency plan and is in agreement with the plan.
3. The Mother did participate in development of the proposed permanency plan and is in agreement with the plan.
4. The Father did not participate in development of the proposed permanency plan and his position is unknown.
5. The responsibilities set out in the proposed permanency plan dated February 26, 2025 and filed with this Court are reasonable, related to remedying the conditions that necessitate foster care and state custody, and in the child's best interest.
6. The Court further finds that the Criteria & Procedures for Termination of Parental Rights has been provided to the mother the father and/or the Department has made attempts to provide this document in compliance with T.C.A. § 37-2-403(a).

It appears to the Court that the following is in the best interest of the child and the public.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. CUSTODY:

1. That the child shall remain in foster care pending further order of this Court.

B. PERMANENCY PLAN:

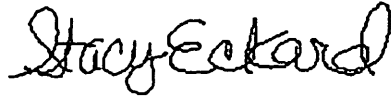
1. That the permanency plan dated February 26, 2025 and filed with this Court is approved and is incorporated by reference as a part of this order.
2. The goal for the child is Reunification and Relative/Kinship Placement.

C. FURTHER ORDERS:

1. That all records provided to Knox County Juvenile Court during these proceedings shall be maintained by the parties and their counsel as confidential records and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Judge of the Knox County Juvenile Court; and that at the conclusion of the proceedings, all copies of the reports shall be returned to the Court's case manager.

D. NEXT COURT DATE:

1. The matter is set for FCRB Administrative Review on 5/6/2025 at 4:30 PM in Foster Care Review Board 3, Permanency Hearing on 9/11/2025 at 9:00 AM in Magistrate Stacy M. Eckard's courtroom and Permanency Hearing on 11/6/2025 at 9:00 AM in Magistrate Stacy M. Eckard's courtroom, in the Knox County Juvenile Court, for which the parties shall appear.



4/4/2025

The Honorable Stacy M. Eckard
Juvenile Court Magistrate
(T.C.A. § 16-1-115)

NOTICE OF REQUEST FOR REVIEW BY JUDGE

Pursuant to T.C.A. § 37-1-107, an order signed by a magistrate becomes the final order of the juvenile court within ten (10) days, excluding Saturdays, Sundays and legal holidays, from the date the order is entered. A party may within ten (10) days from the date the order is entered, file a written request for review of the record by the juvenile court judge with the juvenile court clerk. The written request must include specific exceptions to the magistrate's findings, conclusions, or recommendations. Upon filing of the request, the juvenile court judge shall issue written findings, conclusions or recommendations or may schedule a new hearing of any issues the judge deems necessary with notice to all parties. A magistrate's order must be obeyed until the judge rules otherwise. ANY FAILURE TO COMPLY WITH AN ORDER IS PUNISHABLE BY CONTEMPT, FOR WHICH THE PENALTIES MAY INCLUDE A FINE AND/OR IMPRISONMENT.

PREPARED FOR ENTRY:



Amanda Butcher, 037678
DCS Attorney, Department of Children's Services
Email: amanda.butcher@tn.gov
Work Phone: 8652156469 x56469

CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below on the date of this order:

Jenny Patricia Hernandez, Address unknown
Jose Octavio Perez, Address unknown
David Vander Sluis, davidvslaw@yahoo.com
Amanda Butcher, amanda.butcher@tn.gov
Adam Moncier, AMONCIER@YAHOO.COM



Charles D. Susano, III
Juvenile Court Clerk

File stamped: 4/4/2025 10:04:41 AM

IN THE JUVENILE COURT OF KNOX COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 47JC1-2024-DN-996

Eduar Josue Perez Hernandez - DOB [REDACTED]
A Child Under 18 Years of Age

ADJUDICATORY ORDER

This matter came to be heard on the 13th day of February, 2025, before the Honorable Stacy M. Eckard, for adjudicatory hearing on the verified Petition filed on December 18, 2024, by the Tennessee Department of Children's Services (hereafter called "the Department").

Present in Court were the following persons: Eduar Josue Perez Hernandez, David Vander Sluis (Appointed Attorney for Jose Octavio Perez), Amanda Butcher (DCS Attorney) and Adam Moncier (Guardian Ad Litem for Eduar Josue Perez Hernandez), and DCS (Travis Darrow and Jennifer Miskell), foster mother.

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

A. FINDINGS OF FACT:

The Court finds that the child is dependent and neglected by clear and convincing evidence due to the parents' inability to provide appropriate care and supervision based on their unavailability and abandonment of the child. The Court makes this finding without prejudice as to the Mother.

B. CONCLUSIONS OF LAW:

1. The Court finds that the child, Eduar Josue Perez Hernandez, is dependent and neglected by clear and convincing evidence within the meaning of the law due to the parents' inability to provide appropriate care and supervision based on their unavailability and abandonment of the child. The Court makes this finding without prejudice as to the Mother.

It appears to the Court that the following is in the best interest of the child and the public.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. ADJUDICATION:

1. The child, Eduar Josue Perez Hernandez, is dependent and neglected for the reasons stated above.

B. CUSTODY:

1. The above-named child shall remain within the protective jurisdiction of the Knox County Juvenile Court.
2. Temporary custody of the child shall remain with the Department with the authority to provide for their supervision and care.