

HAMILTON COUNTY, OHIO  
JUVENILE COURT

IN RE:  
ZYVAUNTAE HIGGINS

§ F06-2497

§ ENTRY  
REFLECTING PRE-TRIAL HEARING HELD ON  
1-12-2015 AND ISSUING PRE-TRIAL ORDERS

This matter came to be heard upon the motion of the Hamilton County Department of Job and Family Services to Modify Temporary Custody to Permanent Custody, filed on 10-8-2014, and upon the separate petitions for Legal Custody filed in the past but held in abeyance, by the child's aunt Tamika Moore, uncle Michael Higgins and grandfather James Muhammad

A Pre-Trial hearing was held on 1-12-2015

On 1-12-2015

The mother Pauletta Higgins was not present but was legally and actually notified of today's pre-trial hearing It is noted that the mother did file a motion to appear for hearings via telephone That motion was granted by this Court but no one answered the number provided (1-352-210-2884) by the mother A voicemail message indicated that the voicemail was not set up The hearing thus proceeded without the mother's presence or telephone participation.

Attorney Erica Dority was present and is the Guardian Ad Litem (GAL) for the mother  
Attorney Phyliss Schiff was present and is a Legal Advisor appointed for the mother  
The father Edward Martin was not present but was legally notified of today's pre-trial hearing  
Assistant prosecuting attorney Ernest Lee was present representing the State and the Hamilton County Department of Job and Family Services (HCDJFS)  
Attorney Kacy Eaves was present and is the Guardian Ad Litem (GAL) for the child  
Attorney Mary Beth Wallingford was present and represents the child as his attorney in accordance with In re Williams, 101 Ohio St 3d 398, 2004-Ohio-1500

The child's aunt and present caretaker, Tamika Moore was present, pro se  
The child's grandfather, James Muhammad was not present  
The child's uncle, Michael Higgins was not present

The child under consideration is  
Zyvauntae Higgins DOB 11-14-2006 now age 8 years old

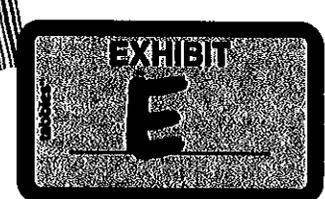
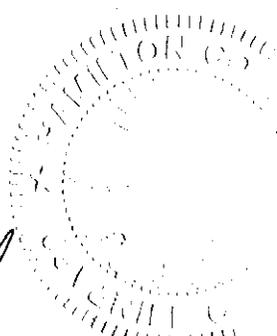
CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court

Date 2-2-15

Judge/Juvenile Court

By Nancy McNeill  
Deputy Clerk



Both the maternal aunt and the maternal grandfather responded in writing in accordance with the last Court Entry. The aunt indicated a desire to proceed with her custody petition at this time but may change if she feels reasonably confident to adopt the child if committed to permanent custody. The maternal grandfather responded asking that his custody petition remain in abeyance. The Court will construe the maternal grandfather's response as a desire to proceed with his custody petition. Both Legal Custody petitions will be considered along with other custody motions at the trial previously scheduled to begin on 2-17-2015. Both custody petitioners must be personally present at the trial to forward their petitions.

The maternal uncle Michael Higgins did not respond. Therefore his custody petition filed on 2-18-2014 is hereby dismissed.

The mother filed an emergency motion for custody by fax filing on 1-10-2015. In its body the motion does not describe a true present emergency for the child. Therefore this motion will be considered along with other petitions and motions at the scheduled trial to begin on 2-17-2015. The mother must be personally present if she wishes to forward her motion, present evidence, and testify subject to cross examination.

All persons present indicated once again that they have not been legally served with motions or other filings of the mother. It was indicated that the mailings sent to the mother at the addresses provided by her have been returned.

Discovery is being exchanged by the parties who were present. However the mother has not responded to discovery requests. All discovery is to be completed before the next pre-trial hearing scheduled for 2-9-2015. Failure to provide discovery could result in sanctions.

The Court of Appeals First District Appellate District of Ohio, Hamilton County, Ohio issued an entry on 1-7-2015 dismissing all pending appeals and instructed the Juvenile Court to proceed on the underlying matter. Therefore this Court will immediately review all of the pending matters that were held aside while the appeals were pending. The Court will determine the status of those matters and will make determinations or schedule further hearings as may be appropriate. The Court intends to issue a ruling on those matters on 1-28-2015. The ruling may be issued sooner or may be delayed depending upon the circumstances and the Court's Schedule.

Continue for pre-trial hearing on 2-9-2015 @ 2 00 pm JTL

This matter is set for trial regarding the Permanent Custody motion and the Legal Custody petitions at the dates and times set out in the Court's prior entry dated 12-10-2014. All parties must appear in person if they wish to participate in the Permanent Custody /Legal Custody trial. All subpoenaed witness must appear in person to give testimony before the Court.

1-12-2015  
Date

  
Judge Thomas R. Lipps, Retired

Sitting by Assignment of the Ohio Supreme Court

**This Entry is not intended to be a final and appealable order of the Juvenile Court.**