

CLERK OF THE COURTS		ONLINE DOCKET		ELECTRONIC CASE SEARCH	
INDIANA SUPREME COURT		INDIANA COURT OF APPEALS		INDIANA TAX COURT	
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Case Number: 46 A 04 - 0902 - JV - 00078
 N.S., ALLEGED TO BE CHINS; T.S. & C.W. V. IDCS

Litigant Inquiry

INDIANA DEPARTMENT OF CHILD SERVICES 1 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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23926 46	HALASCHAK, AUTUMN DUSK 1551 SOUTH WOODLAND AVE., MICHIGAN CITY, IN 46360-0000	219-879-5351	219-879-8711

T.S. 2 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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No Records Found

T.S. 3 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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No Records Found

C.W. 4 of 7**Attorney Number Name and Address Phone Number Fax Number**

No Records Found

CASA 5 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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LAPORTE CIRCUIT COURT 6 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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15435 49	GETTINGER, NANCY LYNN LAPORTE COUNTY COURTHOUSE, 813 LINCO LNWAY LAPORTE, IN 46350-0000	219-326-6808	

OTHER 7 of 7

Attorney Number	Name and Address	Phone Number	Fax Number
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14170 46	ALEVIZOS, THOMAS JAMES COURTHOUSE, LAPORTE, IN 46350-0000	219-326-6808	

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 LAPORTE COUNTY COURTHOUSE, 813 LINCO LNWAY
 LAPORTE, IN 46350-0000

Docket Inquiry

DATE	TEXT
1/23/09	"NOTICE OF APPEAL FILED" *DATE TAKEN FROM NOTICE OF COMPLETION OF CLERK'S RECORD MS 02/10/09
2/02/09	NOTICE OF COMPLETION OF CLERK'S RECORD (1) *TRANSCRIPT COMPLETED AND FILED WITH CLERK. MS 02/10/09
2/10/09	****NOTE: THIS IS AN EXPEDITED APPEAL PURSUANT TO APP.R. 14.1.* *****
2/09/09	****RECEIVED: FAXED COPY OF MEMORANDUM OF LAW AND APPENDIX FROM DCS. MS 02/10/09
2/10/09	****RECEIVED: FAXED COPY OF APPELLANT'S CASE SUMMARY BY AUTUMN DUSK HALASCHAK AND ROBERT HENKE, ATTYS. FOR IDCS MS 02/10/09
2/09/09	APPELLANT'S CASE SUMMARY BY AUTUMN DUSK HALASCHAK, ATTY. FOR APPELLANT (2) CERTIFICATE OF SERVICE (2) MAIL & FAX MS 02/12/09
2/09/09	****RECEIVED 02/12/09:MOTION TO DISMISS (CASA). NO APPEARANCE ON FILE FOR AGENCY. ATTY NOTIFIED. AS 2/13/09
1/27/09	NOTICE OF APPEARANCE BY DAVID K. PAYNE, ATTY. FOR THE APPELLEE *CASA* (2) CERTIFICATE OF SERVICE (2) MAIL 1/27/09 AS 02/13/09
2/09/09	APPELLEE'S MOTION TO DISMISS (6) CERTIFICATE OF SERVICE (6) BY MAIL 2/9/09 AS 02/13/09
2/09/09	APPELLANT'S MEMORANDUM OF LAW ON EXPEDITED APPEAL (9) AND ONE (1) VOLUME APPENDIX FILED. CERTIFICATE OF SERVICE (9) BY MAIL & FAX 2/9/09 MS 02/13/09
2/14/09	****RECEIVED ITEMS BY FAX: LAPORTE CIRCUIT COURT'S MOTION FOR PERMISSION TO FILE BELATED APPEARANCE, APPEARANCE, APPELLEE'S MEMORANDUM AND APPENDIX. ITEMS FORWARDED TO THE COURT. MS 02/16/09
2/16/09	***** CORRECTED ENTRY ***** THE APPELLANT'S CASE SUMMARY FILED ON 2/09/09 SHOULD ALSO LIST ROBERT HENKE AS AN ATTORNEY. AB 02/16/09
2/16/09	*****CASE TRANSMITTED TO COURT***** AB 02/16/09
2/14/09	****RECEIVED 02/17/09: APPELLEE'S MEMORANDUM (9) AND ONE (1) VOLUME APPENDIX ON BEHALF OF JUDGE ALEVIZOS & MAGISTRATE GETTINGER. APPENDIX DOES NOT CONTAIN A CERTIFICATE OF SERVICE. ITEMS FORWARDED TO COURT OF APPEALS ADMIN. MS 02/17/09

2/14/09 LAPORTE CIRCUIT COURT'S MOTION FOR PERMISSION TO FILE
BELATED APPEARANCE (6) CERTIFICATE OF SERVICE (6) MAIL & FAX
2/14/09 **APPEARANCE BY NANCY L. GETTINGER IS ATTACHED TO
MOTION MS 02/18/09

2/16/09 APPELLEE'S BRIEF IN RESPONSE TO APPELLANT'S MEMORANDUM (9)
AND ONE (1) VOLUME APPENDIX FILED. CERTIFICATE OF SERVICE (9)
MAIL AND FAX 2/16/09 *CASA* MS 02/19/09

2/20/09 ISSUED THE ENCLOSED ORDER:
2/20/09 HAVING REVIEWED THE MATTER, TAKING INTO CONSIDERATION THE
EXPEDITED NATURE OF AN APPEAL PURSUANT TO APPELLATE RULE 14.1,
THIS COURT NOW FINDS AND ORDERS AS FOLLOWS:
1. APPELLANT, DCS, IS DIRECTED TO FILE WITH THE CLERK OF
THIS COURT ITS RESPONSE TO THE MOTION TO DISMISS FILED BY
APPELLEE CASA. THE RESPONSE MUST BE PHYSICALLY PRESENT IN THE
OFFICE OF THE CLERK OF THE INDIANA SUPREME COURT, COURT OF
APPEALS, AND TAX COURT NO LATER THAN NOON, LOCAL INDIANAPOLIS
TIME, ON WEDNESDAY, FEBRUARY 25, 2009.
2. APPELLEE CIRCUIT COURT'S MOTION FOR PERMISSION TO FILE AN
APPEARANCE IS GRANTED. THE CLERK OF THIS COURT IS DIRECTED TO
FILE THE APPEARANCE AS OF THE DATE OF TENDER.
3. THE CLERK OF THIS COURT IS DIRECTED TO FILE THE CIRCUIT
COURT'S APPELLEE'S MEMORANDUM AND APPENDIX AS OF THE DATE OF
TENDER.
FOR THE COURT, JOHN G. BAKER, CHIEF JUDGE
ROBB, VAIDIK, J.J., SHARPNACK, SR.J., CONCUR. MS

2/20/09 ***** ABOVE ENTRY MAILED *****

2/21/09 ****RECEIVED 02/23/09: FAXED COPY OF RESPONSE TO MOTION TO
DISMISS FROM DCS (1). FORWARDED TO COURT ADMIN. MS 02/23/09

2/20/09 APPELLEE'S MEMORANDUM (9) AND ONE (1) VOLUME APPENDIX FILED
CERTIFICATE OF SERVICE (9) MAIL 2/14/09
** JUDGE ALEVIZOS & MAGISTRATE GETTINGER ** MS 02/23/09

2/23/09 APPELLANT'S RESPONSE TO MOTION TO DISMISS (6) CERTIFICATE OF
SERVICE (6) MAIL & FAX 2/21/09 MS 02/24/09

3/12/09 ISSUED THE ENCLOSED OPINION/ORDER:
3/12/09 2009 TERM
HAVING REVIEWED THE MATTER, THIS COURT NOW FINDS AND ORDERS:
1. CASA'S MOTION TO DISMISS IS DENIED.
2. THERE IS SUFFICIENT EVIDENCE IN THE RECORD TO SUPPORT
THE CIRCUIT COURT'S DECISION TO DEVIATE FROM DCS'S
RECOMMENDATION TO IMMEDIATELY RETURN T.D.S. TO MOTHER'S
CARE AND CUSTODY. THUS, THE CIRCUIT COURT DID NOT ABUSE

ITS DISCRETION, AND THE CIRCUIT COURT'S SUPPLEMENTAL ORDER IS HEREBY AFFIRMED.

3. DCS'S REQUEST FOR RELIEF UNDER INDIANA APPELLATE RULE 14.1 IS DENIED AND DCS IS DIRECTED TO COMPLY WITH THE CIRCUIT COURT'S JANUARY 21, 2009 SUPPLEMENTAL ORDER, INCLUDING PAYMENT FOR SERVICES, UNTIL SUCH TIME AS THE CIRCUIT COURT'S ORDER IS MODIFIED OR VACATED.

----- PER CURIAM

ROBB, VAIDIK, JJ., SHARPNACK, SR. J.

10 PAGES KM

3/12/09 ***** ABOVE ENTRY MAILED *****

3/19/09 DCS PETITION TO TRANSFER FROM INDIANA APPELLATE RULE 14.1 EXPEDITED APPEAL (6) CERTIFICATE OF SERVICE (6) BY MAIL
3-19-09 LH 3-19-09

3/20/09 *****TRANSMITTED ON TRANSFER 03/20/09*****AB 3/20/09

3/24/09 ***** CORRECTED ENTRY *****

APPELLEE'S MEMORANDUM (9) AND ONE (1) VOLUME APPENDIX ORIGINALLY FILED ON 2/20/09 ON BEHALF OF JUDGE ALEVIZOS & MAGISTRATE GETTINGER SHOULD BE CONSIDERED FILED AS OF THE DATE OF TENDER, 2/14/09. THE CORRECTED ENTRY FOLLOWS. MS 03/24/09

2/14/09 APPELLEE'S MEMORANDUM (9) AND ONE (1) VOLUME APPENDIX FILED CERTIFICATE OF SERVICE (9) MAIL 2/14/09

** JUDGE ALEVIZOS & MAGISTRATE GETTINGER ** MS 03/24/09

2/16/09 FULLY BRIEFED INFORMATION:

FILED 01/27/09

F.B. 02/16/09

O.A. NONE AB 03/25/09

2/16/09 TRANSMITTED APPEALS *****02/16/09***** AB 03/25/09

4/17/09 CASE TRANSFERRED TO THE SUPREME COURT
SUPREME COURT CAUSE NUMBER 46S040904JV00160