

No. 19A- _____

IN THE SUPREME COURT OF THE UNITED STATES

SANDRA R. AND SERGIO C.,

Petitioners-Appellants,

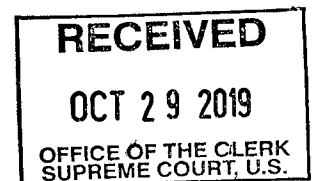
v.

ARIZONA DEPARTMENT OF CHILD SAFETY,

Respondent-Appellee.

APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI
TO THE ARIZONA COURT OF APPEALS

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Sergio C.*



**TO THE HONRABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE NINTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5 and 30.2, Petitioners Sandra R. and Sergio C. (collectively “Parents”) respectfully request a 60-day extension, up to and including January 4, 2020 to file a petition for a writ of certiorari to the Arizona Court of Appeals.

1. Timeliness, Jurisdiction, and Opinion Below:

On April 20, 2018, a judge of the Superior Court of Maricopa County, Arizona, ordered that Sandra R.’s parental rights to M.R., F.M., and J.M. be terminated and that Sergio C.’s parental rights to F.M. and J.M. be terminated. Parents timely appealed. The Superior Court’s decision is attached as Appendix A.

On January 29, 2019, the Arizona Court of Appeals issued its decision affirming the termination orders. The Arizona Court of Appeals held that J.M.’s injuries coupled with Parents’ decision to marry instead of distance themselves from each other supplied “reasonable evidence that supports the juvenile court’s determination that: (1) one or both parents willfully abused

J.M. by causing J.M.'s physical injuries; and (2) one or both parents failed to protect J.M. after they knew or reasonably should have known J.M. had been abused." The Court of Appeals issued their decision as a published opinion, signaling that they intended for this interpretation of the statute to stand as binding precedent in Arizona. The Court of Appeals' decision is attached as Appendix B.

After the decision of the Arizona Court of Appeals, Parents timely petitioned for review to the Arizona Supreme Court. On August 27, 2019, the Arizona Supreme Court granted review as to an issue affecting only the termination orders as to M.R. and F.M. Thus, on that date, the Arizona Supreme Court denied review as the termination of Parent's parental rights to J.M. The Arizona Supreme Court's partial grant and partial denial of review is attached as Appendix C. Pursuant to this Court's Rules 13.1, 13.3, and 30.1, petition for writ of certiorari would be due on or before November 25, 2019. Pursuant to Rule 30.2, this application for extension is being filed more than ten days before that date. This Court has jurisdiction pursuant to 28 U.S.C. § 1257 (a).

2. Reasons for Granting the Extension.

a. Grounds for Granting the Writ of Certiorari Exist.

This case presents a federal issue worthy of presentation to this Court in a petition for writ of certiorari. This Court has long recognized that a parent's right to the custody of their child is a fundamental right that is protected under the United States Constitution. Whether a state may constitutionally terminate a parent's fundamental right to the care and control of their child without a showing that the parent was unfit because the parent actually knew or should have reasonably known that the child was at risk of abuse and failed to protect the child from the abuse is a question worthy of this Court's review.

b. The need for an extension of time.

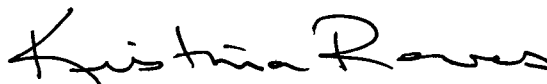
The petition is currently due on Monday, November 25, 2019. Undersigned counsel did not represent Parents in any of the proceedings below. Parents signed a representation agreement with undersigned counsel on October 18, 2019, leaving less than 40 days to review the case, the record, and draft the petition for a writ of certiorari. Due to the voluminous record, the complex constitutional issues at hand, and counsel's other professional

commitments, counsel requires additional time to adequately prepare a fully-developed petition for writ of certiorari. An additional 60 days past the current deadline of November 25, 2019 is thus required.

Accordingly, Petitioners respectfully request that an Order be entered extending the time within which they may petition this Court for a writ of certiorari for 60 days, up to and including Friday, January 4, 2019.

Dated: October 24, 2019

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kristina Reeves". The signature is fluid and cursive, with the first name "Kristina" written in a larger, more prominent script than the last name "Reeves".

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