

San Carlos Apache Tribe
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**IN THE SAN CARLOS APACHE CHILDREN'S COURT
SAN CARLOS APACHE RESERVATION
SAN CARLOS, ARIZONA**

In the Matter of:

JAVIER ALVAREZ
DOB: 09/08/2026

Minor Child

Case No.: **CW-2026** _____

CHILD IN NEED OF CARE PETITION

The San Carlos Apache Tribe, by and through its representative undersigned petitions the Children's Court, pursuant to Chapter IV, Title V, Section 15. C. of the Child and Family Protection Code ("CFPC") to make the above minor a temporary ward of the Court pending further proceedings, based on the following:

Jurisdiction

- 1) The "minor child," Javier Alvarez (Age: infant), is a dependent Native American Indian child and tribally affiliated as an enrolled member or eligible to be an enrolled member with the San Carlos Apache Tribe.
- 2) The Children's Court of the San Carlos Apache Tribe ("Tribe") has exclusive jurisdiction pursuant to the San Carlos Apache Law and Order Code (SCALOC)

1 Chapter 3, Title V, of the Child and Family Protection Code (CFPC), under Section
2 5 (A) General Jurisdiction.

3 3) The minor child's mother is Kiara Bylas ("mother"). The minor child's father is
4 Xavier Alvarez. The parent is an enrolled member of the San Carlos Apache Tribe,
5 which is a federally recognized Indian tribe; as such, the minor child is eligible for
6 membership with the San Carlos Apache Tribe, which establishes Jurisdiction of the
7 San Carlos Apache Children's Court pursuant to SCAT-CFPC.
8

9 **Specific Allegations**

10 4) On September 9, 2026, Child Protective Services Investigator Jerry James received a
11 report that the minor child had been born on September 8, 2026. The minor child
12 reportedly was born exposed to drugs.

13 5) The mother tested positive for methamphetamine and marijuana. The minor child's
14 urine was not tested. His meconium was collected and sent for testing.

15 6) The mother admitted to the staff at Cobre Valley Regional Medical Center, where the
16 minor child was born, that she had used methamphetamine before coming to the
17 hospital.
18

19 7) Mr. James met with the mother, Kiara Bylas, and father, Xavier Alvarez, at the
20 hospital.
21

22 8) When Mr. James asked Ms. Bylas when she last used methamphetamine, she said that
23 was three months ago.

24 9) Mr. James told her that could not be correct if she tested positive for
25 methamphetamine and marijuana a day or two ago.
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28

1 10) The father, Mr. Alvarez, then reminded Ms. Bylas that she used methamphetamine
2 the day before because she was in pain. Mr. Alvarez said that he used with the
3 mother.

4 11) Mr. James said that Ms. Bylas glared at Mr. Alvarez when he said that.

5 12) Mr. James also asked Ms. Bylas when she last used marijuana. Mr. Alvarez answered
6 that they also used marijuana yesterday.

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8 13) Mr. James told the parents that the minor child's meconium, his first stool during
9 birth, was sent out for testing.

10 14) Ms. Bylas said that her mother, Barbara Irving, brought her to the hospital to induce
11 her labor.

12 15) Ms. Bylas said she and Mr. Alvarez live with her parents, Barbara Irving and Perry
13 Bylas, in Chinatown in San Carlos, AZ.

14
15 16) Ms. Bylas also has an older child who is the subject of an active Child Welfare case
16 in the Tribe's Children's Court. Barbara Irving is the placement of the older child.

17 17) Mr. James told the parents that he would remove the newborn from their care and
18 custody because the mother tested positive for methamphetamine and marijuana
19 while giving birth to the minor child.

20
21 18) Mr. James said that he would talk to Barbara Irving to see if she would be willing to
22 take care of the minor child.

23 19) He told the parents that if Barbara Irving would be minor child's placement, the
24 parents could not have unsupervised contact with the minor child.

25 20) Later, Mr. James met with Barbara Irving and Perry Bylas about his investigation
26 and decision to remove the newborn from his parents' care and custody.

27 21) Ms. Irving and Mr. Bylas agreed to take care of the newborn.
28

22) Mr. James told the grandparents that the parents cannot be alone with the newborn, and they need to make sure they protect the baby.

23) Mr. James gave the grandparents an Agreement for Placement of Child with a Relative on September 10, 2026.

24) That same day, Mr. James gave the parents a Temporary Custody Notice with his safety concerns for the baby and reasons for the removal, including the mother's drug use during her pregnancy.

Placement

25) A maternal grandparents, Barbara Irving and Perry Bylas, agreed to take the newborn home from the hospital and care for him in place of the parents. Mr. James gave them a written agreement for that.

26) On September 10, 2026, Mr. James gave the parents, Kiara Bylas and Xavier Alvarez, a Temporary Custody Notice, detailing the safety concerns for the minor child as reasons for removing the minor child from their care once the baby is ready to go home.

27) Precautionary efforts will be made available for the minor child's protection pursuant to CFPC Section 13. B. 1. The minor child is placed as a temporary ward with the San Carlos Apache Children's Court and the San Carlos Tribal Social Services Department.

28) Current address of Parents and Relatives:

Parents:

Mother—Kiara Bylas

Chinatown Area—Barbara Irving's
residence
San Carlos, AZ 85550

P.O. Box 192
San Carlos, AZ 85550

Father—Xavier Alvarez
Chinatown Area—Barbara Irving's
residence
San Carlos, AZ 85550

P.O. Box 704
San Carlos, AZ 85550

Placement: Maternal Grandparents—Barbara Irving and
Perry Bylas
Chinatown Area
San Carlos, AZ 85550

P.O. Box 192
San Carlos, AZ 85550

Shelter Care Hearing

29) Based on the information provided above, the Tribe is recommending the minor child be placed in temporary protective custody under the protection of the Children's Court and request that Javier Alvarez be made a temporary ward of the Court pending further proceedings.

30) Additionally, the Tribe requests, pursuant to CFPC Section 16, that a **Shelter Care Hearing** be scheduled within ten (10) working days of the filing of this Child in Need of Care Petition, pursuant to C.F.P.C. Section 16 (B), and that, to the extent possible, that the mother, Kiara Bylas, and father, Xavier Alvarez, be provided notice of the Hearing pursuant to C.F.P.C. Section 16(C).

I, Attorney Justine R. Jimmie, have read the foregoing and attest that the information contained herein is true and correct to the best of my knowledge.

Signed and dated this 11th day of September, 2026.

Justine R. Jimmie
Deputy Attorney General
San Carlos Apache Tribe

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