



presents

YOU AND THE LAW

*Foster Care: The Road to
Permanency
and
Social Media & Internet Safety*

March 27, 2018

YOU AND THE LAW

Foster Care: The Road to Permanency and Social Media & Internet Safety

March 27, 2018

Roanoke Higher Education Center

PROGRAM

- 5:30 pm **Check In—Lobby**
- 6:00 pm **Welcome** – Thomas Miller, Esq., You and the Law Chairman
Introductions – The Honorable Frank W. Rogers, III
- 6:10 pm **Foster Care Overview** – Rachel Lower, Esq.
- 6:15 pm **Best Practices Statistics** – The Honorable Leisa K. Ciaffone
- 6:30 pm **Review of Case. Mock Termination of Parental Rights Hearing**
Participants:
Judge: Judge Frank W. Rogers, III
Parent Attorney: Brittany Furr, Esq.
Parent: Carrie Guzman playing Jane Tedesco
Counsel for the Department of Social Services: Heather Ferguson, Esq.
Co-Counsel for the Department of Social Services: Rachel Lower, Esq.
Court Appointed Special Advocate (CASA) – Katie Van Patten
Guardian *ad litem* - James Cargill, Esq.
- 7:00 pm **Questions**
- 7:15 pm **BREAK**

7:20 pm **Social Media and Internet Safety** – The Honorable Hilary Griffith

7:45 pm **Questions**

8:00 pm **Adjournment**



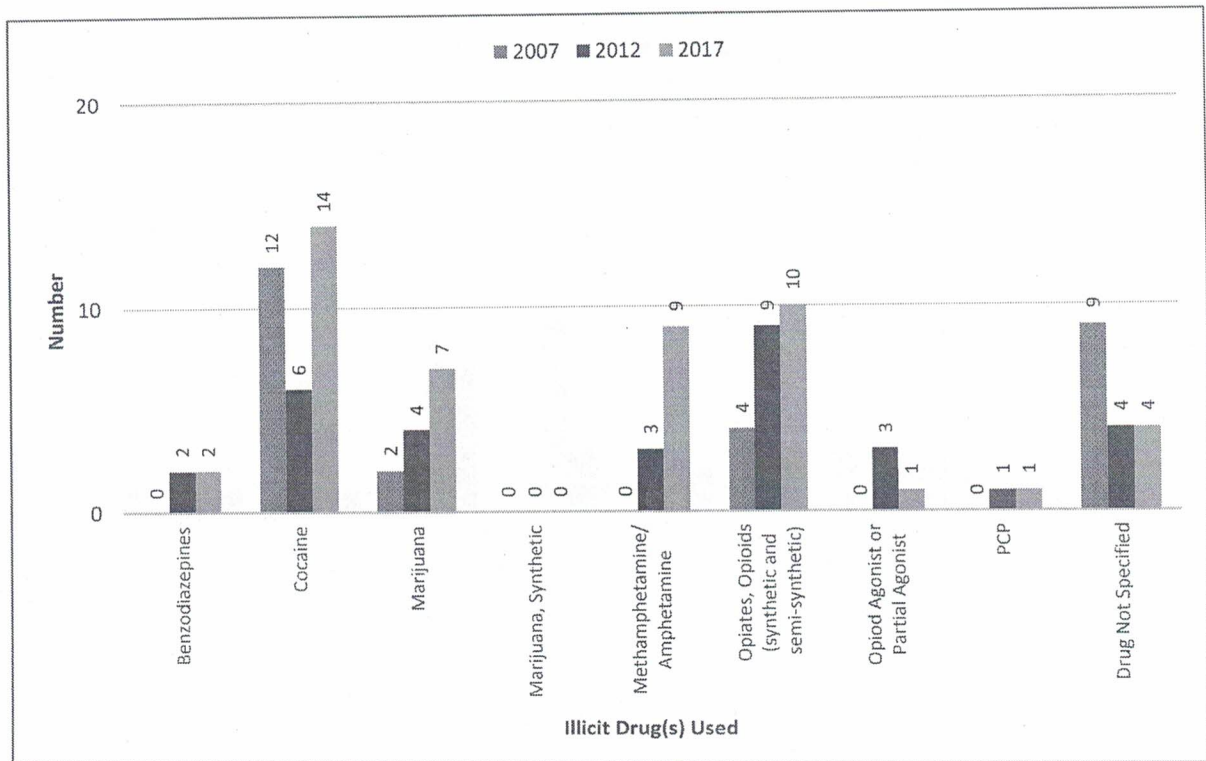
 **YOU AND THE LAW**

*Foster Care: The Road to Permanency
and Social Media & Internet Safety*

Impact of Substance Abuse on Foster Care

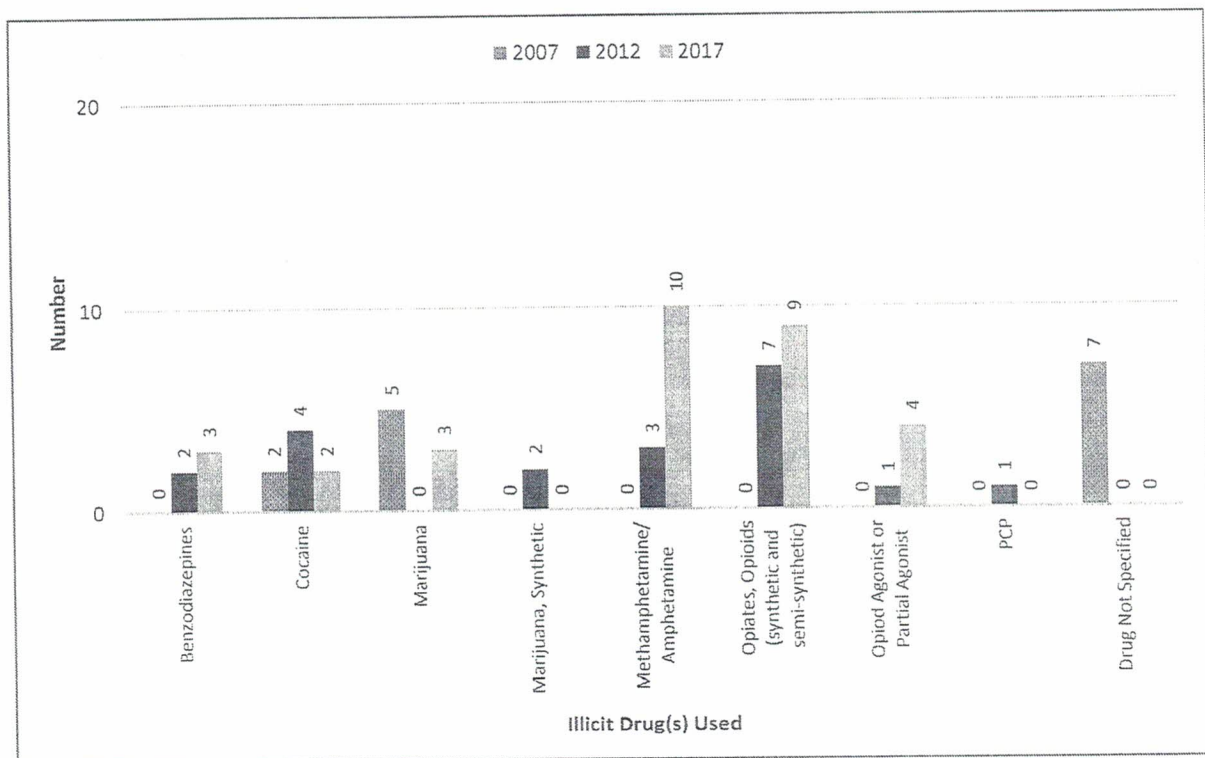
Local Statistics

**Parents' and Custodian's Illicit Drug Use - Roanoke City
January through June 2007, 2012, 2017**



Illicit Drug(s) Used	2007	2012	2017
Benzodiazepines	0	2	2
Cocaine	12	6	14
Marijuana	2	4	7
Marijuana, Synthetic	0	0	0
Methamphetamine/ Amphetamine	0	3	9
Opiates, Opioids (synthetic and semi-synthetic)	4	9	10
Opioid Agonist or Partial Agonist	0	3	1
PCP	0	1	1
Drug Not Specified	9	4	4

**Parent's and Custodian's Illicit Drug Use - Roanoke Co./Salem
January through June 2007, 2012, 2017**



Illicit Drug(s) Used	2007	2012	2017
Benzodiazepines	0	2	3
Cocaine	2	4	2
Marijuana	5	0	3
Marijuana, Synthetic	0	2	0
Methamphetamine/ Amphetamine	0	3	10
Opiates, Opioids (synthetic and semi-synthetic)	0	7	9
Opioid Agonist or Partial Agonist	0	1	4
PCP	0	1	0
Drug Not Specified	7	0	0

National Numbers at a Glance

Fiscal Year	2007	2012	2016
Number in foster care on September 30 of the FY	491,000	396,966	437,465
Number entered foster care during FY	293,000	251,352	273,539

Age at entry

Mean:	8.0	7.6	7.2
Median:	7.2	6.5	6.3

Fiscal year is October 1st through September 30th.

National Statistics

Children entering foster care during FY 2016

Cause of removal	Percent	Number
Neglect	61%	166,679
Drug Abuse (Parent)	34%	92,107
Caretaker Inability To Cope	14%	37,857
Physical Abuse	12%	33,671
Child Behavior Problem	11%	28,829
Housing	10%	27,871
Parent Incarceration	8%	20,939
Alcohol Abuse (Parent)	6%	15,143
Abandonment	5%	12,889
Sexual Abuse	4%	9,904
Drug Abuse (Child)	2%	6,273
Child Disability	2%	4,554
Relinquishment	1%	2,694
Parent Death	1%	2,212
Alcohol Abuse (Child)	0%	1,242

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Adoption and Foster Care Analysis and Reporting System (AFCARS) Report No. 15 (2007 figures), No. 20 (2012 figures), and No. 24 (2106 figures).

Local Numbers at a Glance

Roanoke City Children entering foster care during January – June 2007

74 children entered foster care from January through June 2007

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	30%	22
Drug Abuse (Parent)	28%	21
Caretaker Inability To Cope	0%	0
Physical Abuse	14%	10
Child Behavior Problem Inc. delinquency & CHINS	4%	3
Housing (inc homeless)	4%	3
Parent Incarceration	18%	13
Alcohol Abuse (Parent)	8%	6
Abandonment (inc. involuntary, such as hospitalization)	9%	7
Sexual Abuse	5%	4
Drug Abuse (Child)	0%	0
Child Disability	0%	0
Relinquishment	7%	5
Parent Death	0%	0
Alcohol Abuse (Child)	0%	0
Domestic Violence	14%	10
Parent or caretaker mental Health	14%	10

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2007 Roanoke City parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	0
Cocaine	12
Marijuana	2
Marijuana, synthetic	0
Methamphetamine/amphetamine	0
Opiates, opioids, including synthetic and semi-synthetic	4
Heroin	
Morphine	
Hydrocodone	
Methadone (1)	
Oxycodone	
Fentanyl	
Non-specified (2)	
Lortab (1)	
Percocet	
Tramadol	
Opioid agonist or partial agonist	0
Buprenorphine &/or Suboxone	
PCP	0
Drugs not specified	9

Roanoke City Children entering foster care during January – June 2012

45 children entered foster care from January through June 2012

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	20%	9
Drug Abuse (Parent)	31%	14
Caretaker Inability To Cope	0%	0
Physical Abuse	18%	8
Child Behavior Problem Inc. delinquency & CHINS	4%	2
Housing	7%	3
Parent Incarceration	4%	2
Alcohol Abuse (Parent)	7%	3
Abandonment	4%	2
Sexual Abuse	0%	0
Drug Abuse (Child)	0%	0
Child Disability	0%	0
Relinquishment	0%	0
Parent Death	0%	0
Alcohol Abuse (Child)		
Domestic Violence	7%	3
Parent or caretaker mental Health	13%	6

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2012 Roanoke City parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	2
Cocaine	6
Marijuana	4
Marijuana, synthetic	0
Methamphetamine/amphetamine	3
Opiates, opioids, including synthetic and semi-synthetic	9
Heroin	
Morphine	
Hydrocodone (1)	
Methadone (1)	
Oxycodone	
Fentanyl	
Non-specified (1)	
Lortab (3)	
Percocet (3)	
Tramadol	
Opioid agonist or partial agonist	3
Buprenorphine &/or Suboxone (3)	
PCP	1
Drugs not specified	4

Roanoke City Children entering foster care during January – June 2017

59 children entered foster care from January through June 2017

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	27%	16
Drug Abuse (Parent)	31%	18
Caretaker Inability To Cope		
Physical Abuse	19%	11
Child Behavior Problem Inc. delinquency & CHINS	8%	5
Housing	8%	5
Parent Incarceration	3%	2
Alcohol Abuse (Parent)	17%	10
Abandonment	0%	0
Sexual Abuse	5%	3
Drug Abuse (Child)	0%	0
Child Disability	0%	0
Relinquishment	0%	0
Parent Death	0%	0
Alcohol Abuse (Child)		
Domestic Violence	14%	8
Parent or caretaker mental Health	10%	6

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2017 Roanoke City parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	2
Cocaine	14
Marijuana	7
Marijuana, synthetic	
Methamphetamine/amphetamine	9
Opiates, opioids, including synthetic and semi-synthetic	10
Heroin (5)	
Morphine	
Hydrocodone	
Methadone (2)	
Oxycodone	
Roxicodone (1)	
Fentanyl	
Non-specified (2)	
Lortab	
Percocet	
Tramadol	
Opioid agonist or partial agonist	1
Buprenorphine &/or Suboxone	
PCP	1
Drugs not specified	4

Roanoke County and Salem Children entering foster care during January – June 2007

26 children entered foster care from January through June 2007

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	23%	6
Drug Abuse (Parent)	35%	9
Caretaker Inability To Cope	0%	0
Physical Abuse	8%	2
Child Behavior Problem Inc. delinquency & CHINS	23%	6
Housing	4%	1
Parent Incarceration	0%	0
Alcohol Abuse (Parent)	19%	5
Abandonment	0%	0
Sexual Abuse	0%	0
Drug Abuse (Child)	0%	0
Child Disability	0%	0
Relinquishment	0%	0
Parent Death	0%	0
Alcohol Abuse (Child)	0%	0
Domestic Violence	12%	3
Parent or caretaker mental Health	35%	9

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2007 Roanoke County and Salem parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	0
Cocaine	2
Marijuana	5
Marijuana, synthetic	0
Methamphetamine/amphetamine	0
Opiates, opioids, including synthetic and semi-synthetic	0
Heroin	
Morphine	
Hydrocodone	
Methadone	
Oxycodone	
Roxicodone	
Fentanyl	
Non-specified	
Lortab	
Percocet	
Tramadol	
Opioid agonist or partial agonist	0
Buprenorphine &/or Suboxone	
PCP	0
Drugs not specified	7

Roanoke County and Salem Children entering foster care during January – June 2012

19 children entered foster care from January through June 2012

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	58%	11
Drug Abuse (Parent)	47%	9
Caretaker Inability To Cope	0%	0
Physical Abuse	0%	0
Child Behavior Problem Inc. delinquency & CHINS	5%	1
Housing	0%	0
Parent Incarceration	0%	0
Alcohol Abuse (Parent)	0%	0
Abandonment	5%	1
Sexual Abuse	5%	1
Drug Abuse (Child)	0%	0
Child Disability	5%	1
Relinquishment	5%	1
Parent Death	0%	0
Alcohol Abuse (Child)		
Domestic Violence	32%	6
Parent or caretaker mental Health	11%	2

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2012 Roanoke County and Salem parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	2
Cocaine	4
Marijuana	0
Marijuana, synthetic	2
Methamphetamine/amphetamine	3
Opiates, opioids, including synthetic and semi-synthetic	7
Heroin	
Morphine	
Hydrocodone (2)	
Methadone (2)	
Oxycodone (2)	
Fentanyl	
Non-specified (1)	
Lortab	
Percocet	
Tramadol	
Opioid agonist or partial agonist	1
Buprenorphine &/or Suboxone (1)	
PCP	1

Roanoke County and Salem Children entering foster care during January – June 2017

25 children entered foster care from January through June 2017

Cause or Significant Contributor	Percent	Number
Neglect (inc. inadequate supervision & unsafe or uninhabitable housing)	12%	3
Drug Abuse (Parent)	48%	12
Caretaker Inability To Cope	0%	0
Physical Abuse	0%	0
Child Behavior Problem Inc. delinquency & CHINS	16%	4
Housing	4%	1
Parent Incarceration	0%	0
Alcohol Abuse (Parent)	4%	1
Abandonment (or absent)	12%	3
Sexual Abuse	0%	0
Drug Abuse (Child)	0%	0
Child Disability	4%	1
Relinquishment	0%	0
Parent Death	0%	0
Alcohol Abuse (Child)	0%	0
Domestic Violence	0%	0
Caretaker mental Health	12%	3

NOTE: These categories are not mutually exclusive, so percentages will total more than 100% and counts will be more than the total number of entries.

SOURCE: Unofficial local file review

2017 Roanoke County and Salem parents' and custodians' illicit drug(s) used, as noted in file

Benzodiazepines	3
Cocaine	2
Marijuana	3
Marijuana, synthetic	0
Methamphetamine/amphetamine	10
Opiates, opioids, including synthetic and semi-synthetic	9
Heroin (4)	
Morphine	
Hydrocodone	
Methadone	
Oxycodone (4)	
Fentanyl	
Non-specified	
Lortab	
Percocet	
Tramadol (1)	
Opioid agonist or partial agonist	4
Buprenorphine (1) &/or	
Suboxone (3)	
PCP	0



 **YOU AND THE LAW**

*Foster Care: The Road to Permanency
and Social Media & Internet Safety*

Roanoke Valley Child Welfare Statistics – 2016 and 2017

Roanoke Valley Child Welfare Statistics

2016 Validated Child Protective Service Referrals

- Roanoke City: 888
- Roanoke County/Salem: 600

2016 Child Fatalities

- Roanoke City: 5
- Roanoke County/Salem: 1

Children who entered foster care in 2016

- Roanoke City: 168 (150 entered care pursuant to a court order in an abuse/neglect case)
- Roanoke County/Salem: 46 (38 entered care pursuant to a court order in an abuse/neglect case)

Children in foster care as of 3/10/2017

- Roanoke City: 294
- Roanoke County/Salem: 90

Roanoke Valley Child Welfare Statistics

2017 Validated Child Protective Service Referrals

- Roanoke City: 956
- Roanoke County/Salem: 598

2017 Child Fatalities

- Roanoke City: 3
- Roanoke County/Salem: 1

Children who entered foster care in 2017

- Roanoke City: 111
- Roanoke County/Salem: 39

Children in foster care as of 3/8/2018

- Roanoke City: 237
- Roanoke County/Salem: 95



 **YOU AND THE LAW**

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and Social Media & Internet Safety*

Mock Termination of Parental Rights Hearing

YOU AND THE LAW- 2017

Foster Care- Protecting the Youngest Among Us.

Factual Scenario

Roanoke City police were called in the early morning hours to the apartment of Jimmy Grubb and Jane Tedesco. A neighbor reported hearing loud arguing and what sounded like a physical altercation.

When the police entered the apartment, they noticed that Jane had a bloody nose and scratches to her face and neck. Both Jimmy and Jane appeared to be under the influence of drugs. On a table in the living room police found syringes, a substance which appeared to be heroin, and other paraphernalia. Jimmy and Jane admitted to police that they had been using heroin and fighting. The police arrested both for felony possession of drugs, and arrested Jimmy for domestic assault and battery.

Two children, ages 2 years and 6 months, were found asleep in a bedroom. What happens next?

Roanoke City Juvenile and Domestic
Relations District Court

In Re: Emma Grubb (DOB: 01/20/15)

23rd JUDICIAL DISTRICT
IN THE ROANOKE CITY
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

IN RE: Emma Grubb
IN RE: Carly Grubb

(Date of Birth: 1/20/2015)
(Date of Birth: 9/1/2016)

A CHILD/CHILDREN AFFIDAVIT

1. I am a caseworker for the Roanoke City Department of Social Services and in this capacity have been involved concerning the protection of the above named children in the home.
2. In the course of my duties, I investigated a child abuse or neglect complaint that was received by the Department on March 1, 2017. The complaint alleged that Roanoke City Police had responded to a call to the apartment of Jimmy Grubb and Jane Tedesco after a neighbor reported hearing loud arguing and a possible physical altercation.
3. On March 1, 2017 at approximately 2:00 a.m., I arrived at the home of Jimmy Grubb and Jane Tedesco. The two children, Emma Grubb (2 years) and Carly Grubb (6 months) were awake and present when I arrived. They both were filthy, both had soiled diapers, and both had bags under their eyes from lack of sleep. They were visibly scared at the presence of police and social workers in their home. I observed their mother, Jane Tedesco, to have a bloody nose and scratches to her face and neck. Both parents were visibly under the influence of drugs during the entire time I was present at the home. On a table in the living room, I observed syringes, a substance which appeared to be heroin, and other drug paraphernalia. The parents both admitted to police and myself that they had been using heroin and fighting. The police arrested both for felony possession of drugs, and arrested Jimmy Grubb for domestic assault and battery.
4. The Department's Child Protective Services team has a history with this family. In 2015 the Department conducted a CPS Family Assessment. Emma Grubb was an infant at the time; she had been born substance exposed to amphetamine. Jimmy Grubb and Jane Tedesco both tested positive for amphetamine and cocaine at the time of her birth. After six months of services, the CPS case was closed when Jimmy Grubb and Jane Tedesco tested clean on their drug screens.
5. The Department is petitioning for an emergency removal order. The children would be subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result if returned to or left in the home because their parents

were both arrested and taken to the local jail, and there is no other caretaker to look after them.

6. There was no reasonable opportunity to provide preventive services, based upon the emergency need for foster care placement as both parents were being actively arrested, and there was no other possible caretaker for the girls.
7. There are no alternatives less drastic than removal of the children from the home which could reasonably protect the children's life or health pending a final hearing on the petition. On the evening of the removal, both Jimmy Grubb and Jane Tedesco refused to discuss reasonable alternative placement options for their girls.
8. No information is known or has been discovered that indicates the child/children is a Native American Indian child.
9. Pursuant to Virginia Code § 16.1-252, notice is hereby given that child support will be considered.

Dated this 1st day of March, 2017.

Rachel Whiting
AFFIANT

Sworn to and subscribed before me this 1st day of MARCH, 2017.

Shirley
INTAKE OFFICER

PETITION

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

Case No.

DATE OF HEARING

ROANOKE CITY Juvenile and Domestic Relations District Court*In re* a Child under eighteen years of age

CHILD'S NAME 1. GRUBB, EMMA	SSN	DATE OF BIRTH 2. 01/20/2015	AGE 3. 3 YRS	SEX* F	RACE X
CHILD'S ADDRESS 4. 1234 SMITH AVE., , ROANOKE, VA 24012					TELEPHONE NO.
NAME OF PARENT 5. GRUBB, JIMMY	[] MOTHER [X] FATHER	SSN	DATE OF BIRTH 06/01/1988	TELEPHONE NO.	
ADDRESS OF PARENT 6. 1234 SMITH AVE, ROANOKE, VA 24012					
NAME OF PARENT 7. TEDESCO, JANE	[X] MOTHER [] FATHER	SSN	DATE OF BIRTH 05/24/1990	TELEPHONE NO.	
ADDRESS OF PARENT 8. 1234 SMITH AVE , ROANOKE, VA 24012					
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS NAME AND ADDRESS 9.					TELEPHONE NO.
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS RELATIONSHIP TO CHILD 10.					
OTHER(S) NAME AND ADDRESS 11.					TELEPHONE NO.
12. Child held in CUSTODY [] YES [] NO					
13. Place of Detention or Shelter Care					
14. Date and Time Taken into Custody		15. Date and Time Placed in Detention or Shelter Care			
/ / : m.		/ / : m.			
16. The above information is not known to the petitioner: No(s).					

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child:

THE ABOVE DEPARTMENT OF SOCIAL SERVICES REQUESTS EMERGENCY REMOVAL OF THE ABOVE CHILD WHO HAS ALLEGEDLY BEEN ABUSED OR NEGLECTED, AS PROVIDED BY §16.1-251 OF THE 1950 CODE OF VIRGINIA AS AMENDED.

Virginia Crime Code: JUV-3830-J9

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

03/09/2018

DATE

. ROANOKE CITY DSS

PETITIONER'S NAME (PRINT OR TYPE)

1510 WILLIAMSON ROAD NE, , ROANOKE, VA 24012 home: (540)853-2379

PETITIONER'S ADDRESS AND TELEPHONE NUMBER (COURT COPY ONLY)

Rachel Whiting

PETITIONER'S SIGNATURE

Petitioner's relationship to child: NONE

Sworn/affirmed and signed before me on 03/09/2018 09:55 AM

Title: Intake Officer

Signature: Filed by: 

[X] INTAKE OFFICER [] ATTORNEY

3/1/17

DATE

AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No. _____

RETURN DATE AND TIME _____

[] General District Court [] Circuit Court
ROANOKE CITY [X] Juvenile and Domestic Relations District Court

CITY OR COUNTY

v./In re:

GRUBB, EMMA

GRUBB, JIMMY (parent)

I, **ROANOKE CITY DSS**, the undersigned affiant, states the following under oath:
PRINT NAME

[] The defendant/respondent [] is in military service. [] is not in military service.

The following facts support the statement above:

[✓] The affiant is unable to determine whether or not the defendant/respondent is in military service.
Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

3/1/17

DATE

Rachel Whiting

AFFIANT'S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

3/1/17

DATE

[Signature]

[] CLERK [] DEPUTY CLERK [] MAGISTRATE [] JUDGE [X] INTAKE OFFICER

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment. Further, counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff.

FOR COURT USE ONLY:

[] ORDER OF APPOINTMENT OF COUNSEL

I find that appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS
OF COURT
APPOINTED
LAWYER

NEXT HEARING DATE AND TIME

DATE

JUDGE

[] STAY OF PROCEEDINGS

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

NEXT HEARING DATE AND TIME

DATE

JUDGE

AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No.

.....
RETURN DATE AND TIME

[] General District Court [] Circuit Court
ROANOKE CITY [X] Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

v./In re:

GRUBB, EMMA

TEDESCO, JANE (parent)

I, **ROANOKE CITY DSS**, the undersigned affiant, states the following under oath:

.....
PRINT NAME

[] The defendant/respondent [] is in military service. [] is not in military service.

The following facts support the statement above:

[✓] The affiant is unable to determine whether or not the defendant/respondent is in military service.

Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

3/1/17

.....
DATE

Rachel Whiting

.....
AFFIANT'S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

3/1/17

.....
DATE

.....
[] CLERK [] DEPUTY CLERK [] MAGISTRATE [] JUDGE [X] INTAKE OFFICER

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

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FOR COURT USE ONLY:

[] **ORDER OF APPOINTMENT OF COUNSEL**

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NAME, ADDRESS
OF COURT
APPOINTED
LAWYER

.....
NEXT HEARING DATE AND TIME

.....
DATE

.....
JUDGE

[] **STAY OF PROCEEDINGS**

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

.....
NEXT HEARING DATE AND TIME

.....
DATE

.....
JUDGE

EMERGENCY REMOVAL ORDER

Commonwealth of Virginia Va. Code § 16.1-251

Case No.

DATE OF HEARING

ROANOKE CITY

Juvenile and Domestic Relations District Court

315 Church Ave SW - Roanoke, VA - 24011

STREET ADDRESS OF COURT

EMMA GRUBB

In re:

Present: ☐ Mother JANE TEDESCO ☐ Mother's attorney

☐ Father JIMMY GRUBB ☐ Father's attorney

☐ Child EMMA GRUBB ☐ Guardian *ad litem*

☒ DSS Representative R. WHITING ☐ DSS Attorney H. FERGUSON

☐ Other ☐ CASA

TO ANY AUTHORIZED OFFICER:

It appearing that the above-named child is within the purview of the Juvenile and Domestic Relations District Court law, and is alleged to be abused or neglected in a petition supported by:

☒ an affidavit, ☐ the appropriate sworn testimony

and it further appearing to the Court under the circumstances existing at this time that:

1. ☒ the child would be subjected to an imminent threat to life or health to the extent that severe or irremediable injury would be likely to result if the child were returned to or left in the custody of his or her parents, guardian, legal custodian or other person standing *in loco parentis* pending a final hearing on the petition, based upon:
- ☒ the facts alleged in the affidavit filed in this case, which is incorporated by reference.
- ☐ the following facts:

AND

2. ☒ reasonable efforts have been made to prevent removal of the child from his or her home or
- ☒ reasonable efforts are deemed to have been made to prevent removal of the child from his or her home because there was no reasonable opportunity to provide preventive services, based upon:
- ☒ the facts alleged in the affidavit filed in this case, which is incorporated by reference.
- ☐ the following facts:

3. ☐ The child was physically removed from the home prior to the entry of this order, on

DATE

AND there are no alternatives less drastic than removal of the child from his or her home as defined by the Code of Virginia, 1950, as amended, which could reasonably protect the child's life or health pending a final hearing on the petition.

THE COURT ORDERS THE FOLLOWING:

- A. That the child be taken into immediate custody and placed in shelter care.
- B. That temporary legal custody be awarded to: Roanoke City Department of Social Services
- The department of social services, if awarded temporary legal custody, may change the placement of the child without further court order or requirement to comply with Virginia Code § 16.1-251, notwithstanding that the child has been placed with a natural parent.
- C. That the child be temporarily placed, under the supervision of the local department of social services pending the preliminary removal hearing, with: Roanoke City Department of Social Services
- consideration having been given to temporary placement of the child with a relative or other interested individual, including grandparents.

IT IS FURTHER ORDERED that a preliminary removal hearing on the petition be held at this court on

3/4/17 @ 9:00 a.m.

DATE AND TIME

and that notice of this hearing be given to the parents, guardian, legal custodian or other person standing *in loco parentis*, the child if he or she is 12 years of age or older, and the guardian *ad litem* for the child.

3/1/17

DATE

JUDGE

Roanoke City Juvenile and Domestic
Relations District Court

In Re: Carly Grubb (DOB: 01/01/16)

23rd JUDICIAL DISTRICT
IN THE ROANOKE CITY
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

IN RE: Emma Grubb

(Date of Birth: 1/20/2015)

IN RE: Carly Grubb

(Date of Birth: 9/1/2016)

A CHILD/CHILDREN AFFIDAVIT

1. I am a caseworker for the Roanoke City Department of Social Services and in this capacity have been involved concerning the protection of the above named children in the home.
2. In the course of my duties, I investigated a child abuse or neglect complaint that was received by the Department on March 1, 2017. The complaint alleged that Roanoke City Police had responded to a call to the apartment of Jimmy Grubb and Jane Tedesco after a neighbor reported hearing loud arguing and a possible physical altercation.
3. On March 1, 2017 at approximately 2:00 a.m., I arrived at the home of Jimmy Grubb and Jane Tedesco. The two children, Emma Grubb (2 years) and Carly Grubb (6 months) were awake and present when I arrived. They both were filthy, both had soiled diapers, and both had bags under their eyes from lack of sleep. They were visibly scared at the presence of police and social workers in their home. I observed their mother, Jane Tedesco, to have a bloody nose and scratches to her face and neck. Both parents were visibly under the influence of drugs during the entire time I was present at the home. On a table in the living room, I observed syringes, a substance which appeared to be heroin, and other drug paraphernalia. The parents both admitted to police and myself that they had been using heroin and fighting. The police arrested both for felony possession of drugs, and arrested Jimmy Grubb for domestic assault and battery.
4. The Department's Child Protective Services team has a history with this family. In 2015 the Department conducted a CPS Family Assessment. Emma Grubb was an infant at the time; she had been born substance exposed to amphetamine. Jimmy Grubb and Jane Tedesco both tested positive for amphetamine and cocaine at the time of her birth. After six months of services, the CPS case was closed when Jimmy Grubb and Jane Tedesco tested clean on their drug screens.
5. The Department is petitioning for an emergency removal order. The children would be subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result if returned to or left in the home because their parents

were both arrested and taken to the local jail, and there is no other caretaker to look after them.

6. There was no reasonable opportunity to provide preventive services, based upon the emergency need for foster care placement as both parents were being actively arrested, and there was no other possible caretaker for the girls.
7. There are no alternatives less drastic than removal of the children from the home which could reasonably protect the children's life or health pending a final hearing on the petition. On the evening of the removal, both Jimmy Grubb and Jane Tedesco refused to discuss reasonable alternative placement options for their girls.
8. No information is known or has been discovered that indicates the child/children is a Native American Indian child.
9. Pursuant to Virginia Code § 16.1-252, notice is hereby given that child support will be considered.

Dated this 1st day of March, 2017.

Rachel Whiting
AFFIANT

Sworn to and subscribed before me this 1st day of MARCH, 2017.

Shirley
INTAKE OFFICER

PETITION

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

Case No.

DATE OF HEARING

ROANOKE CITY Juvenile and Domestic Relations District Court*In re* a Child under eighteen years of age

CHILD'S NAME 1. GRUBB, CARLY	SSN	DATE OF BIRTH 2. 09/01/2016	AGE 3. 1 YRS	SEX* F	RACE X
CHILD'S ADDRESS 4. 1234 SMITH AVE., , ROANOKE, VA 24012					TELEPHONE NO.
NAME OF PARENT 5. GRUBB, JIMMY	[] MOTHER [X] FATHER	SSN	DATE OF BIRTH 06/01/1988	TELEPHONE NO.	
ADDRESS OF PARENT 6. 1234 SMITH AVE, ROANOKE, VA 24012					
NAME OF PARENT 7. TEDESCO, JANE	[X] MOTHER [] FATHER	SSN	DATE OF BIRTH 05/24/1990	TELEPHONE NO.	
ADDRESS OF PARENT 8. 1234 SMITH AVE , ROANOKE, VA 24012					
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS NAME AND ADDRESS 9.					TELEPHONE NO.
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS RELATIONSHIP TO CHILD 10.					
OTHER(S) NAME AND ADDRESS 11.					TELEPHONE NO.
12. Child held in CUSTODY [] YES [] NO					
13. Place of Detention or Shelter Care					
14. Date and Time Taken into Custody _____ / _____ / _____ : _____ m.					
15. Date and Time Placed in Detention or Shelter Care _____ / _____ / _____ : _____ m.					
16. The above information is not known to the petitioner: No(s).					

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child:

THE ABOVE DEPARTMENT OF SOCIAL SERVICES REQUESTS EMERGENCY REMOVAL OF THE ABOVE CHILD WHO HAS ALLEGEDLY BEEN ABUSED OR NEGLECTED, AS PROVIDED BY §16.1-251 OF THE 1950 CODE OF VIRGINIA AS AMENDED.

Virginia Crime Code: JUV-3830-J9

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

03/09/2018 DATE
1510 WILLIAMSON ROAD NE, , ROANOKE, VA 24012 home: (540)853-2379
ROANOKE CITY DSS PETITIONER'S NAME (PRINT OR TYPE)
Rachel Whiting PETITIONER'S SIGNATURE
PETITIONER'S ADDRESS AND TELEPHONE NUMBER (COURT COPY ONLY)

Petitioner's relationship to child: NONE Sworn/affirmed and signed before me on 03/09/2018 09:58 AM
Title: Intake Officer Signature: [Signature]

Filed by: [Signature] [X] INTAKE OFFICER [] ATTORNEY
3/1/17 DATE

**AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT**

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No. _____

RETURN DATE AND TIME

[] General District Court [] Circuit Court
ROANOKE CITY [X] Juvenile and Domestic Relations District Court

CITY OR COUNTY

v./In re:

GRUBB, CARLY

GRUBB, JIMMY (parent)

I, **ROANOKE CITY DSS**, the undersigned affiant, states the following under oath:
PRINT NAME

[] The defendant/respondent [] is in military service. [] is not in military service.

The following facts support the statement above:

[X] The affiant is unable to determine whether or not the defendant/respondent is in military service.

Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

3/1/17

DATE

Rachel Whiting

AFFIANT'S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

3/1/17

DATE

[Signature]

[] CLERK [] DEPUTY CLERK [] MAGISTRATE [] JUDGE [X] INTAKE OFFICER

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment. Further, counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff.

FOR COURT USE ONLY:

[] ORDER OF APPOINTMENT OF COUNSEL

I find that appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS
OF COURT
APPOINTED
LAWYER

NEXT HEARING DATE AND TIME

DATE

JUDGE

[] STAY OF PROCEEDINGS

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

NEXT HEARING DATE AND TIME

DATE

JUDGE

AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No.

.....
RETURN DATE AND TIME

[] General District Court [] Circuit Court
ROANOKE CITY [X] Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

v./In re:

GRUBB, CARLY

TEDESCO, JANE (parent)

I, **ROANOKE CITY DSS**, the undersigned affiant, states the following under oath:
PRINT NAME

[] The defendant/respondent [] is in military service. [] is not in military service.

The following facts support the statement above:

[X] The affiant is unable to determine whether or not the defendant/respondent is in military service.
Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

3/1/17

DATE

Rachel Whiting

AFFIANT'S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

3/1/17

DATE

Shirley

[] CLERK [] DEPUTY CLERK [] MAGISTRATE [] JUDGE [X] INTAKE OFFICER

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment. Further, counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff.

FOR COURT USE ONLY:

[] **ORDER OF APPOINTMENT OF COUNSEL**

I find that appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS
OF COURT
APPOINTED
LAWYER

.....
NEXT HEARING DATE AND TIME

DATE

JUDGE

[] **STAY OF PROCEEDINGS**

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

.....
NEXT HEARING DATE AND TIME

DATE

JUDGE

EMERGENCY REMOVAL ORDER

Commonwealth of Virginia Va. Code § 16.1-251

Case No.

DATE OF HEARING

ROANOKE CITY

Juvenile and Domestic Relations District Court

315 Church Ave SW - Roanoke, VA - 24011

STREET ADDRESS OF COURT

CARLY GRUBB

In re:

Present: ☐ Mother JANE TEDESCO ☐ Mother's attorney

☐ Father JIMMY GRUBB ☐ Father's attorney

☐ Child CARLY GRUBB ☐ Guardian *ad litem*

☒ DSS Representative R. WHITING ☐ DSS Attorney H. FERGUSON

☐ Other ☐ CASA

TO ANY AUTHORIZED OFFICER:

It appearing that the above-named child is within the purview of the Juvenile and Domestic Relations District Court law, and is alleged to be abused or neglected in a petition supported by:

☒ an affidavit, ☐ the appropriate sworn testimony

and it further appearing to the Court under the circumstances existing at this time that:

1. ☒ the child would be subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result if the child were returned to or left in the custody of his or her parents, guardian, legal custodian or other person standing *in loco parentis* pending a final hearing on the petition, based upon:
- ☒ the facts alleged in the affidavit filed in this case, which is incorporated by reference.
- ☐ the following facts:

AND

2. ☒ reasonable efforts have been made to prevent removal of the child from his or her home or
- ☒ reasonable efforts are deemed to have been made to prevent removal of the child from his or her home because there was no reasonable opportunity to provide preventive services, based upon:
- ☒ the facts alleged in the affidavit filed in this case, which is incorporated by reference.
- ☐ the following facts:

3. ☐ The child was physically removed from the home prior to the entry of this order, on

AND there are no alternatives less drastic than removal of the child from his or her home as defined by the Code of Virginia, 1950, as amended, which could reasonably protect the child's life or health pending a final hearing on the petition.

THE COURT ORDERS THE FOLLOWING:

- A. That the child be taken into immediate custody and placed in shelter care.
- B. That temporary legal custody be awarded to: Roanoke City Department of Social Services
- The department of social services, if awarded temporary legal custody, may change the placement of the child without further court order or requirement to comply with Virginia Code § 16.1-251, notwithstanding that the child has been placed with a natural parent.
- C. That the child be temporarily placed, under the supervision of the local department of social services pending the preliminary removal hearing, with: Roanoke City Department of Social Services
- consideration having been given to temporary placement of the child with a relative or other interested individual, including grandparents.

IT IS FURTHER ORDERED that a preliminary removal hearing on the petition be held at this court on

3/14/17 @ 9:00 am. and that notice of this hearing be given to the parents, guardian, legal custodian or other person standing *in loco parentis*, the child if he or she is 12 years of age or older, and the guardian *ad litem* for the child.

DATE

JUDGE

INITIAL FOSTER CARE SERVICE PLAN
DISPOSITIONAL HEARING
(Within 60 days of removal)

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE DEPARTMENT OF SOCIAL SERVICES

FOSTER CARE SERVICE PLAN: PART A

COURT FILE NO:

LOCAL NO: 770147506007

OASIS CASE NO: 21126003

CASE NAME: Tedesco

DATE PREPARED: 04/12/17

DATE FILED: 04/15/17

The Code of Virginia requires the involvement of birth parents/prior custodians, foster parents, and the child (where applicable) in the mutual development of the Service Plan. Part A should reflect the involvement and responsibility of the parties mentioned above. Part A is to be distributed to all involved.

Child: Emma Grubb

Birthdate: 01/20/15

Reason for New Initial Service Plan/Dispositional Service Plan: Hearing

Date of most recent removal from own home: 03/01/17

Date of Custody: 03/01/17

Official Custody: Court Ordered

Custody Disposition: DSS Custody

Legal Basis for Custody: Abuse/Neglect

Program Goal: Return to Own Home

Target Date for Achievement: 03/01/2018

Concurrent Goal: Relative Placement

1. Discuss how and why child came into care.

On March 1, 2017, at approximately 2:00 a.m., Rachel Whiting, on-call social worker, arrived at the home of Jimmy Grubb and Jane Tedesco. The two children, Emma Grubb (2 years old) and Carly Grubb (6 months old) were awake and present when Ms. Whiting arrived. Both children were filthy, both had soiled diapers, and both had bags under their eyes from lack of sleep. They were visibly scared at the presence of police and social workers in their home. Ms. Whiting observed their mother, Jane Tedesco, to have a bloody nose and scratches to her face and neck. Both parents were visibly under the influence of drugs during the entire time Ms. Whiting was present at the home. On a table in the living room, Ms. Whiting observed syringes, a substance which appeared to be heroin, and other drug paraphernalia. The parents both admitted to police and to Ms. Whiting that they had been using heroin and fighting. The police arrested both parents for felony possession of drugs, and arrested Jimmy Grubb for domestic assault and battery.

2. Describe DSS and other agency services to prevent removal. If no services given, explain why.

DSS has a prior history with this family. In 2015, DSS conducted a Family Assessment. At that time, Emma Grubb was an infant and had been born substance exposed to amphetamine. Jimmy Grubb and Jane Tedesco both tested positive for amphetamines and cocaine at the time of Emma's birth. DSS provided six months of services and the case was closed when both parents tested clean on their drug screens.

3. Describe child's situation at the time placement occurred or custody transferred. Information relative to family, health and education must be addressed. Indicate whether or not the child is an Indian child and what steps have been taken to abide by the Indian Child Welfare Act.

At the time of removal, both children were filthy, had soiled diapers, and had bags under their eyes from lack of sleep. Both children also appeared scared at the presence of police and social workers in the home. After receiving a physical at the pediatrician's office, it became known that both children were behind on their immunizations. Carly Grubb had not been seen for a well-child visit since her one-month checkup.

To the best of the Department's knowledge, the child is not an Indian Child.

4. Describe Placement:

a. Type of Placement

LDSS Foster Home

b.1. Describe efforts made to locate and place the child with absent father, maternal relatives

and paternal relatives (throughout the life of the case as appropriate).

b.2. Describe the efforts which have been made to place the child in the least restrictive (most family-like) setting available, consistent with the best interests and special needs of the child.

Both parents were arrested at the time of removal and did not provide names for any relatives or fictive kin. Both parents have completed a relative identifier and letters have been sent to all identified family members. At that time, no one has filed a petition for custody of either child. The Department was able to use a City of Roanoke Resource Family for placement of both children in the same home.

c. Describe the efforts to place the child in closest proximity to parent's home. Explain the appropriateness/continued appropriateness of the placement if the child is placed out of state.

Children are placed in a Roanoke City foster home located in Roanoke County, Virginia.

5. Describe how any court orders made in respect to this child are being addressed.

Both children remain in the legal custody of DSS and DSS is providing services to the mother.

6. Mechanisms for ensuring the proper care of the child:

a. Identify the needs which must be met to achieve the goal for the child. Include discussion of parent(s)/prior custodian(s) visitation. Describe on-going efforts to achieve permanency throughout the life of the case (i.e.-continued efforts to explore adoption and/or placement with relatives if the goal is permanent foster care or APPLA.) Describe efforts to implement normalcy - the ability for the youth to participate in extracurricular, enrichment, cultural and social activities similar to peers.

In order for Emma and Carla Grubb to return home, both Ms. Tedesco and Mr. Grubb must address the needs that brought the children into care to reduce the risk of harm. Both parents must address their substance abuse issues by completing substance abuse treatment and maintaining sobriety. Ms. Tedesco and Mr. Grubb must address their relationship issues, particularly domestic violence, and understand the impact that this has on their children. Both parents will be expected to complete a Domestic Violence Alternatives Program assessment and comply with all recommendations. Ms. Tedesco and Mr. Grubb must maintain safe, suitable, and stable housing and maintain financial stability through employment. Both parents need to demonstrate that they are willing and able to adequately address the medical needs of both children, to include keeping their immunizations up to date.

b. List the services which will be provided which will address the needs identified above, improve conditions of the parents' home and facilitate return of the child home, movement into other permanent placement, or transition to independence. Give target dates for completion.

1. Parent(s)/Prior Custodian(s) -

Jane Tedesco and Jimmy Grubb:
Case management services
Referral for substance abuse treatment
Random drug screens
Referral for psychological evaluation with parental capacity
Assistance with seeking employment
Parenting classes with hands-on component
Weekly visitations with children
Opportunities to participate in service planning for the children
Updates on the progress of the children
Referral for DVAP assessment

2. Child/Youth -

Case management services
Monthly visits by FSS
Regular medical care
Referral to Early Intervention Services for screening

3. Foster Parent(s)/Adoptive Parent(s)/Residential Facility -

Case management services
Monthly contacts by FSS, or more often as needed
Assistance with any needs that may arise, including daycare, referrals for medical appointments, etc.

7. List responsibilities, including conduct and financial support, with target dates for completion for:

a. Parent(s)/Prior Custodian(s) -

Jane Tedesco and Jimmy Grubb:

Comply with any and all current and future services recommended by DSS and treatment team

Comply with substance abuse treatment and maintain sobriety

Comply with random drug screens

Comply with psychological evaluation with parental capacity and all recommendations from evaluation

Actively seek employment or legal verifiable means of income

Maintain employment and safe, suitable, and stable housing

Maintain consistent contact with DSS, keeping Family Service Specialist updated on current situation, including change in address or phone number

Comply with DVAP assessment and follow through with any recommended services

Refrain from obtaining any further legal charges and comply with all rules of probation, as applicable

Attend weekly visitations with children and abide by agency's rules of visitation

If and when the children are returned home, cooperate with any recommended services in the home.

b. Child/Youth -

Participate in visitations with parents

c. Foster Parent(s)/Adoptive Parent(s)/Residential Facility -

Comply with all services deemed appropriate by DSS and treatment team

Keep DSS updated on child's progress and report any concerns as they arise

Provide for child's physical and emotional needs

Comply with all medical appointments for child

Participate in planning for child

8. The following persons were involved in planning:

☐ The Child

☒ Parent(s)/Prior Custodian(s)

☒ Foster Parent(s) or Care Providers

☐ Adoptive Parent(s)

☐ Other

If parent(s)/prior custodian(s) not involved, explain why.

9. The following reports are attached:

☐ Client Health Information

☐ Immunization Record

☐ Client Education Information

☐ IL Transition Plan (for youth 14 and older)

☐ Youth Rights and Responsibilities for youth 14 and older (signed by the youth)

Rachel Whiting
Rachel Whiting

/s/ Kristin P. Rickman
KRISTIN P. RICKMAN - SUPERVISOR

OTHER SIGNATURE

OTHER SIGNATURE

4/12/17
DATE

4/12/17
DATE

DATE

DATE

FOSTER CARE SERVICE PLAN REVIEW

FOSTER CARE REVIEW HEARING

(Within 4 months of Dispositional
Hearing)

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE DEPARTMENT OF SOCIAL SERVICES
FOSTER CARE SERVICE PLAN REVIEW

COURT FILE NO:
LOCAL NO: 770147506007
OASIS CASE NO: 21126003

CASE NAME: Tedesco
DATE PREPARED: 07/24/17
DATE FILED: 08/01/17

Child: Emma Grubb
Date of Custody: 03/01/17
Target date for goal achievement: 03/01/2018
Review Type: Court Review

Birthdate: 01/20/15
Date of Removal from Home: 03/01/17
Program Goal: Return Home

- 1. Describe the services which were offered to meet the needs in the last service plan. For youth age 14 and older, document that he/she was able to invite up to two people to be a member of the team. For youth subject to the Indian Child Welfare Act, describe efforts to abide by the federal guidance.**
Emma and Carly were provided with case management and monthly face to face contact with the Family Services Specialist. They were provided with placement through a Roanoke City Resource Family. They were provided with Virginia Medicaid to meet their medical needs. Both were provided childcare through Honeytree ELC.

Ms. Tedesco was provided with case management services through DSS. Ms. Tedesco was referred for a psychological evaluation with Dr. Klaire Mundy of Appalachian Counseling. Ms. Tedesco was referred for Parenting Little Ones through DSS. Ms. Tedesco was referred to Blue Ridge Behavioral Healthcare for substance abuse assessment. Ms. Tedesco was provided with random drug screens. Ms. Tedesco was provided with weekly, 2 hour visits with her daughters. Ms. Tedesco was provided information and resources for seeking employment. Ms. Tedesco was provided opportunities to participate in planning for her children.

Mr. Grubb passed away on June 29, 2017, as the result of a heroin overdose.

- 2. Identify progress made toward goal achievement. Describe on-going efforts to achieve permanency throughout the life of the case (i.e.- continued efforts to explore adoption and/or placement with relatives if the goal is either permanent foster care or APPLA).**

Ms. Tedesco has attended most of her weekly visits with Emma and Carly. She has missed 3 visits since the Dispositional Hearing, but has called to cancel in advance. Ms. Tedesco interacts with her children during the visits and often plays games on the floor with them and brings snacks for Emma and Carly. This worker did observe Ms. Tedesco asleep on the couch during one visit and had to go in the room to wake her up. This was following Mr. Grubb's death and Ms. Tedesco explained that she was having a difficult time sleeping at night in the home. Ms. Tedesco attended the DVAP assessment and was referred to attend the 18 week DVAP classes. Ms. Tedesco missed her first appointment with Dr. Mundy, stating she "forgot." Ms. Tedesco missed 3 sessions of Parenting Little Ones so she was discharged from the class. She will be re-referred to the next available class in October 2017. Ms. Tedesco was given 3 random drug screens. The dates and results are as follows: June 29, 2017 (positive for marijuana), July 15, 2017 (positive for marijuana and cocaine), and August 1 (positive for methamphetamine). Ms. Tedesco attended her substance abuse assessment at BRBH and was placed on the waiting list for IOP. She is to attend the Interim group at BRBH until a space in IOP is available.

Mr. Grubb passed away June 29, 2017, as the result of a heroin overdose.

- 3. Identify barriers to goal achievement.**

While Ms. Tedesco clearly loves her children and is engaged during visitations with them, she has just begun services. She must complete the 18 week DVAP class. She must complete the Parenting Little Ones class along with the parenting coaching component. Ms. Tedesco must successfully complete the IOP program through BRBH and maintain her sobriety. Unfortunately, Ms. Tedesco continues to test positive at each of her random drug screens. Ms. Tedesco needs to obtain employment to financially provide for herself and her children. Ms. Tedesco must attend her appointment with Dr. Mundy and complete the psychological evaluation.

4. Describe why the child still needs to be in placement. If appropriate, assess risk to child if returned home or placed with relatives. If appropriate, describe efforts to return child home or place with relatives. Describe continued appropriateness of a child's placement if placed out of state.

At this time, the reasons that Emma and Carly were placed in foster care still exist. Ms. Tedesco continues to use illegal substances and has not progressed with services such that the girls could be safely returned to her care.

The paternal grandmother, Joy Grubb, had filed a petition for custody of both girls and a homestudy was being conducted on her home. Unfortunately, following the death of her son, Ms. Grubb indicated that she was not prepared to care for the girls and withdrew her petition for custody. No other relatives have expressed interest in petitioning for custody of Emma and Carly.

5. Describe birth family's/prior custodian's current situation: including employment, financial status, household composition.

Ms. Tedesco lives in the same home that Emma and Carly were removed from March 1, 2017. Ms. Tedesco receives rent assistance so her housing is stable at this time. Ms. Tedesco was employed at Wendy's for a brief period of time prior to Mr. Grubb's death. However, she quit her job after he passed away and has not yet found new employment. Ms. Tedesco relies on friends and public benefits to assist her in meeting her needs.

6. Discuss visitation arrangements and results between child, parent(s) and prior custodians (frequency, location and interaction). Discuss current relationships between child/parent(s) or prior custodians and other family members, including siblings.

Ms. Tedesco is offered visits with Emma and Carly once per week for a period of two hours. These visits occur at the Department of Social Services in one of the visitation rooms. Ms. Tedesco is usually engaged with her children and they respond well to her. Ms. Tedesco often gets on the floor to play games or interact with the girls and obviously enjoys her time with them. Mr. Grubb's mother, Joy Grubb, was attending visits with her son prior to his death. Once she withdrew her custody petitions, she stopped visiting.

7. Describe the child's current situation and adjustment to placement. The child's educational and health status must be discussed. Describe efforts to implement normalcy (the ability for the youth to participate in extracurricular, enrichment, cultural, and social activities similar to peers).

Emma is doing extremely well in her foster home. Her immunizations are caught up and she is in good health. The foster parents meet her emotional and physical needs and provide a safe, loving home for her. Emma was screened by Early Intervention and was referred to Speech Therapy as a result. Her foster parents take her to her appointments and also work with her in the foster home. She has made great progress. Emma does seem to have temper tantrums following visits with her mother and often times cries inconsolably in the evenings following visits. She has been asking "Where Daddy?" since he stopped visiting upon his death. The foster parents are consulting with a play therapist to see if Emma might benefit from seeing a counselor.

Carly is thriving in the foster home. She is meeting all of her developmental milestones and is a happy toddler. She has begun walking and loves Paw Patrol and being read to by her foster parents. Carly follows in Emma's footsteps and clearly adores her big sister. Carly has had two ear infections, but the pediatrician does not believe a referral to an ENT will be necessary.

8. AMENDED SERVICE PLAN: Identify any changes needed in the Foster Care Service Plan during the next six months.

Jane Tedesco:

In addition to the services outlined in the Initial Foster Care Service Plan, Ms. Tedesco will need to participate in individual counseling to address issues of grief and loss following the death of Mr. Grubb.

Ms. Tedesco will also need to participate in a psychiatric assessment to determine if she would benefit from medication to address her symptoms of depression.

9. Birth parents/prior custodians were notified in writing of the following:

☐ Change in placement ☐ Change in visitation ☐ 10 day Notice to Parents for APR

10. The following reports are attached:

☐ Client Health Information ☐ Client Education Information ☐ Immunization Record

☐ IL Transition Plan (for youth 14 and older)

☐ Youth Rights and Responsibilities for youth 14 and older (signed by the youth)

Rachel Whiting
Rachel Whiting

7/24/17

DATE

LS/ Kristin P. Rickman
KRISTIN P. RICKMAN - SUPERVISOR

7/24/17

DATE

OTHER SIGNATURE

DATE

OTHER SIGNATURE

DATE

FOSTER CARE SERVICE PLAN REVIEW
FOSTER CARE SERVICE PLAN,
PARTS A & B
PERMANENCY PLANNING HEARING
(Within 6 months of Foster Care Review
Hearing)

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE DEPARTMENT OF SOCIAL SERVICES
FOSTER CARE SERVICE PLAN REVIEW

COURT FILE NO:
LOCAL NO: 770147506007
OASIS CASE NO: 21126003

CASE NAME: Tedesco
DATE PREPARED: 01/26/18
DATE FILED: 02/01/18

Child: Emma Grubb
Date of Custody: 03/01/17
Target date for goal achievement: 03/01/2018
Review Type: Court Review

Birthdate: 01/20/15
Date of Removal from Home: 03/01/17
Program Goal: Return Home

- 1. Describe the services which were offered to meet the needs in the last service plan. For youth age 14 and older, document that he/she was able to invite up to two people to be a member of the team. For youth subject to the Indian Child Welfare Act, describe efforts to abide by the federal guidance.**
Emma and Carly were provided with case management and monthly face to face contact with the Family Services Specialist. They were provided with placement through a Roanoke City Resource Family. They were provided with Virginia Medicaid to meet their medical needs. Both were provided childcare through Honeytree ELC.

Ms. Tedesco was provided with case management services through DSS. Ms. Tedesco was referred for a psychological evaluation with Dr. Klaire Mundy of Appalachian Counseling. Ms. Tedesco was referred for Parenting Little Ones through DSS for a second time. Ms. Tedesco was referred to Blue Ridge Behavioral Healthcare for substance abuse assessment. Ms. Tedesco was provided with random drug screens. Ms. Tedesco was provided with weekly, 2 hour visits with her daughters. Ms. Tedesco was provided information and resources for seeking employment. Ms. Tedesco was provided opportunities to participate in planning for her children.

Mr. Grubb passed away on June 29, 2017, as the result of a heroin overdose.

- 2. Identify progress made toward goal achievement. Describe on-going efforts to achieve permanency throughout the life of the case (i.e.- continued efforts to explore adoption and/or placement with relatives if the goal is either permanent foster care or APPLA).**

There has been very little progress towards the goal of return home. Ms. Tedesco has maintained housing. Ms. Tedesco did complete the Parenting Little Ones Class and hands-on coaching component. Ms. Tedesco was admitted into the IOP through BRBH, but was then discharged for excessive absences. Ms. Tedesco has completed 9 of the 18 weeks of DVAP. Ms. Tedesco does continue to visit her children on a fairly regular basis. Recently, she has missed several visits without calling in advance. When Ms. Tedesco visits, she continues to be engaged with her children and is very loving and affectionate with them. There are times when Ms. Tedesco becomes weepy during the visitations, but it is usually in response to Emma's questions about Daddy. Ms. Tedesco became employed at CEI October 1, 2017. Ms. Tedesco reported at her most recent visit that she was no longer employed at CEI and was looking for a new job. Ms. Tedesco attended a psychiatric appointment while engaged with services at BRBH and was prescribed an antidepressant. It is not clear if she continues to take that prescription now that her services through BRBH have closed.

- 3. Identify barriers to goal achievement.**

Ms. Tedesco missed her second appointment with Dr. Mundy, stating "What's the point?" Ms. Tedesco was discharged from IOP for excessive absences. At this time, Ms. Tedesco has not completed any substance abuse treatment. Ms. Tedesco has not completed the DVAP program over the past year. Ms. Tedesco has completed random drug screens, but has continued to test positive for marijuana on each screen. (Screens completed October 3, 2017; November 14, 2017; December 29, 2017; January 20, 2018; and February 2, 2018). Ms. Tedesco also tested positive for methamphetamine November 14, 2017 and December 29, 2017. Ms. Tedesco did not attend individual counseling as required.

- 4. Describe why the child still needs to be in placement. If appropriate, assess risk to child if returned home**

or placed with relatives. If appropriate, describe efforts to return child home or place with relatives.
Describe continued appropriateness of a child's placement if placed out of state.

At this time, the reasons that Emma and Carly were placed in foster care still exist. Ms. Tedesco continues to use illegal substances and has not progressed with services such that the girls could be safely returned to her care.

No relatives have petitioned for Emma and Carly.

5. Describe birth family's/prior custodian's current situation: including employment, financial status, household composition.

Ms. Tedesco lives in the same home that Emma and Carly were removed from March 1, 2017. Ms. Tedesco receives rent assistance so her housing is stable at this time. Ms. Tedesco was employed at Wendy's for a brief period of time prior to Mr. Grubb's death. Ms. Tedesco became employed at CEI October 1, 2017, but has since lost that job. Ms. Tedesco indicates that she will receive a sizeable tax refund this year that will allow her some time to look for employment without worrying about expenses.

6. Discuss visitation arrangements and results between child, parent(s) and prior custodians (frequency, location and interaction). Discuss current relationships between child/parent(s) or prior custodians and other family members, including siblings.

Ms. Tedesco is offered visits with Emma and Carly once per week for a period of two hours. These visits occur at the Department of Social Services in one of the visitation rooms. Ms. Tedesco is usually engaged with her children and they respond well to her. Ms. Tedesco often gets on the floor to play games or interact with the girls and obviously enjoys her time with them.

7. Describe the child's current situation and adjustment to placement. The child's educational and health status must be discussed. Describe efforts to implement normalcy (the ability for the youth to participate in extracurricular, enrichment, cultural, and social activities similar to peers).

Emma has become a spunky, smart, and engaged little girl. She considers her foster parents Mom and Dad (although she still understands she has a Mommy and a Daddy who is in heaven.) Her immunizations are caught up and she is in good health. The foster parents meet her emotional and physical needs and provide a safe, loving home for her. Emma was screened by Early Intervention and was referred to Speech Therapy as a result. Emma successfully completed speech therapy. Emma continues to struggle following visitations with her mother, Ms. Tedesco. Emma often seems confused at the ends of visits and why she must leave "Mommy" at DSS. Honeytree reports that Emma is a joy to have in their program. Emma recently had a part in the Christmas pageant at the foster parents' church and Ms. Tedesco was invited to attend. (She did not attend saying it was too difficult this time of year.)

Carly continues to meet all of her developmental milestones. She is starting to pick up a number of words and the foster parents have also worked with her on infant/toddler sign language to ease some of her frustration in communicating her needs. Carly worships her big sister and loves the dog in the foster home, too. Carly really only knows the foster home as her home and is bonded to the foster parents and their extended family.

8. AMENDED SERVICE PLAN: Identify any changes needed in the Foster Care Service Plan during the next six months.

9. Birth parents/prior custodians were notified in writing of the following:

☐ Change in placement ☐ Change in visitation ☐ 10 day Notice to Parents for APR

10. The following reports are attached:

☐ Client Health Information ☐ Client Education Information ☐ Immunization Record

☐ IL Transition Plan (for youth 14 and older)

☐ Youth Rights and Responsibilities for youth 14 and older (signed by the youth)

Rachel Whiting

Rachel Whiting

ISI Kristin P. Rickman

KRISTIN P. RICKMAN - SUPERVISOR

OTHER SIGNATURE

OTHER SIGNATURE

1/26/18

DATE

1/26/18

DATE

DATE

DATE

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE DEPARTMENT OF SOCIAL SERVICES

FOSTER CARE SERVICE PLAN: PART A

COURT FILE NO:
LOCAL NO: 770147506007
OASIS CASE NO: 21126003

CASE NAME: Tedesco
DATE PREPARED: 01/26/18
DATE FILED: 02/01/18

The Code of Virginia requires the involvement of birth parents/prior custodians, foster parents, and the child (where applicable) in the mutual development of the Service Plan. Part A should reflect the involvement and responsibility of the parties mentioned above. Part A is to be distributed to all involved.

Child: Emma Grubb **Birthdate:** 01/20/15 **Reason for New Permanency Planning Service Plan:**
Date of most recent removal from own home: 03/01/17 **Date of Custody:** 03/01/17
Official Custody: Court Ordered
Custody Disposition: DSS Custody
Legal Basis for Custody: Abuse/Neglect

Program Goal: Adoption **Target Date for Achievement:** 03/01/2019
Concurrent Goal:

1. **Discuss how and why child came into care.**
On March 1, 2017, at approximately 2:00 a.m., Rachel Whiting, on-call social worker, arrived at the home of Jimmy Grubb and Jane Tedesco. The two children, Emma Grubb (2 years old) and Carly Grubb (6 months old) were awake and present when Ms. Whiting arrived. Both children were filthy, both had soiled diapers, and both had bags under their eyes from lack of sleep. They were visibly scared at the presence of police and social workers in their home. Ms. Whiting observed their mother, Jane Tedesco, to have a bloody nose and scratches to her face and neck. Both parents were visibly under the influence of drugs during the entire time Ms. Whiting was present at the home. On a table in the living room, Ms. Whiting observed syringes, a substance which appeared to be heroin, and other drug paraphernalia. The parents both admitted to police and to Ms. Whiting that they had been using heroin and fighting. The police arrested both parents for felony possession of drugs, and arrested Jimmy Grubb for domestic assault and battery.
2. **Describe DSS and other agency services to prevent removal. If no services given, explain why.**
DSS has a prior history with this family. In 2015, DSS conducted a Family Assessment. At that time, Emma Grubb was an infant and had been born substance exposed to amphetamine. Jimmy Grubb and Jane Tedesco both tested positive for amphetamines and cocaine at the time of Emma's birth. DSS provided six months of services and the case was closed when both parents tested clean on their drug screens.
3. **Describe child's situation at the time placement occurred or custody transferred. Information relative to family, health and education must be addressed. Indicate whether or not the child is an Indian child and what steps have been taken to abide by the Indian Child Welfare Act.**
At the time of removal, both children were filthy, had soiled diapers, and had bags under their eyes from lack of sleep. Both children also appeared scared at the presence of police and social workers in the home. After receiving a physical at the pediatrician's office, it became known that both children were behind on their immunizations. Carly Grubb had not been seen for a well-child visit since her one-month checkup.

To the best of the Department's knowledge, the child is not an Indian Child.

4. **Describe Placement:**
 a. Type of Placement
 LDSS Foster Home
 b.1. Describe efforts made to locate and place the child with absent father, maternal relatives

and paternal relatives (throughout the life of the case as appropriate).

b.2. Describe the efforts which have been made to place the child in the least restrictive (most family-like) setting available, consistent with the best interests and special needs of the child.

Both parents were arrested at the time of removal and did not provide names for any relatives or fictive kin. Both parents have completed a relative identifier and letters have been sent to all identified family members. At that time, no one has filed a petition for custody of either child. The Department was able to use a City of Roanoke Resource Family for placement of both children in the same home.

c. Describe the efforts to place the child in closest proximity to parent's home. Explain the appropriateness/continued appropriateness of the placement if the child is placed out of state.

Children are placed in a Roanoke City foster home located in Roanoke County, Virginia.

5. Describe how any court orders made in respect to this child are being addressed.

Both children remain in the legal custody of DSS and DSS is providing services to the mother.

6. Mechanisms for ensuring the proper care of the child:

a. Identify the needs which must be met to achieve the goal for the child. Include discussion of parent(s)/prior custodian(s) visitation. Describe on-going efforts to achieve permanency throughout the life of the case (i.e.-continued efforts to explore adoption and/or placement with relatives if the goal is permanent foster care or APPLA.) Describe efforts to implement normalcy - the ability for the youth to participate in extracurricular, enrichment, cultural and social activities similar to peers.

The goal of adoption and termination of parental rights needs to be granted by the Juvenile and Domestic Relations District Court before the goal of adoption can be achieved. The Department is respectfully recommending the termination of parental rights of Jane Tedesco as being in the best interests of the children.

b. List the services which will be provided which will address the needs identified above, improve conditions of the parents' home and facilitate return of the child home, movement into other permanent placement, or transition to independence. Give target dates for completion.

1. Parent(s)/Prior Custodian(s) -

Jane Tedesco:

Final visit with Emma and Carly

The opportunity to participate in the completion of a Life Book for Emma and Carly

2. Child/Youth -

Case management services

Monthly visits by FSS

Regular medical care

Additional referrals as deemed necessary

A Life Book to provide her with information, photographs, and memories of her birth family

3. Foster Parent(s)/Adoptive Parent(s)/Residential Facility -

Case management services

Monthly contacts by FSS, or more often as needed

Assistance with any needs that may arise, including daycare, referrals for medical appointments, etc.

7. List responsibilities, including conduct and financial support, with target dates for completion for:

a. Parent(s)/Prior Custodian(s) -

Jane Tedesco:

Participate in final visitation with Emma and Carly

Participate in the creation of a Life Book for Emma and Carly

b. Child/Youth -

Participate in final visit with Mother

c. Foster Parent(s)/Adoptive Parent(s)/Residential Facility -

Comply with all services deemed appropriate by DSS and treatment team

Keep DSS updated on child's progress and report any concerns as they arise
Provide for child's physical and emotional needs
Comply with all medical appointments for child
Participate in planning for child
Participate in the creation of Life Book

8. The following persons were involved in planning:

- ☐ The Child
☒ Parent(s)/Prior Custodian(s)
☒ Foster Parent(s) or Care Providers
☐ Adoptive Parent(s)
☐ Other

If parent(s)/prior custodian(s) not involved, explain why.

9. The following reports are attached:

- ☐ Client Health Information
☐ Immunization Record
☐ Client Education Information
☐ IL Transition Plan (for youth 14 and older)
☐ Youth Rights and Responsibilities for youth 14 and older (signed by the youth)

Rachel Whiting
Rachel Whiting

1/26/18
DATE

/s/ Kristin P. Rickman
KRISTIN P. RICKMAN - SUPERVISOR

1/26/18
DATE

OTHER SIGNATURE

DATE

OTHER SIGNATURE

DATE

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE DEPARTMENT OF SOCIAL SERVICES

FOSTER CARE SERVICE PLAN: PART B

COURT FILE NO:

LOCAL NO: 770147506007

OASIS CASE NO: 21126003

CASE NAME: Tedesco

DATE PREPARED: 01/26/18

DATE FILED: 02/01/18

Child: Emma Grubb

What is the permanent plan for the child?

☐ **Return Home to parents within** months

Explain why/why not selected:

Mother has failed to address her substance abuse issues.

☐ **Placement with Relatives**

☐ Transfer custody to relative

Name:

Relationship:

☐ It is premature

☐ Custody to relatives within months

Explain why/why not selected:

No relatives have come forward to petition for custody of Emma and Carly. The paternal grandmother had petitioned, but withdrew her petitions after her son passed away.

☒ **Adoption**

☒ TPR Petition filed/to be filed

☒ Adoption is in the best interest

Explain why/why not selected:

Mother has failed to address her substance abuse issues.

☐ **Yes** ☒ **No** Child been in care for at least any 15 of the past 22 months.

☒ **Yes** ☐ **No** Petitioning for TPR (If no is chosen check all that apply.)

☐ TPR is not in the child's best interest.

☐ The child is residing with a relative.

☐ Services not provided to parents to return the child safely home.

Explain why TPR is not being pursued:

Additional Comments:

Rachel Whiting

Rachel Whiting

/s/ Kristin P. Rickman

KRISTIN P. RICKMAN - SUPERVISOR

OTHER SIGNATURE

OTHER SIGNATURE

1/26/18

DATE

1/26/18

DATE

DATE

DATE

PETITION FOR TERMINATION OF
PARENTAL RIGHTS

VIRGINIA:

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT FOR THE
CITY OF ROANOKE

IN RE: EMMA GRUBB

Serve: Jane Tedesco
123 E. Main St.
Roanoke, VA 24017

) PETITION FOR
) TERMINATION OF
) MOTHER'S PARENTAL
) RIGHTS

)

)

)

COMES NOW the Roanoke City Department of Social Services, by counsel, and respectfully states as follows:

1. Emma Grubb is a three-year old child born on January 20, 2015.
2. The father of Emma Grubb is Jimmy Grubb, who is deceased.
3. The mother of Emma Grubb is Jane Tedesco, who resides at 123 E. Main Street, Roanoke, Virginia, 24017.
4. On March 1, 2017, the Department of Social Services for the City of Roanoke was granted custody of Emma Grubb as a result of an emergency removal order.
5. On March 1, 2018, the Department of Social Services for the City of Roanoke will ask the Juvenile and Domestic Relations District Court for the City of Roanoke to approve a foster care plan with the goal of adoption for Emma Grubb. Said foster care plan states that termination of parental rights is in Emma's best interest.
6. The neglect or abuse suffered by Emma Grubb presented a serious and substantial threat to her life, health or development and it is not reasonably likely that the conditions which resulted in such abuse can be substantially corrected or eliminated so as to allow the child's safe return to her parent within a reasonable period of time notwithstanding reasonable and appropriate efforts of the petitioner.

7. The mother of Emma Grubb has without good cause, been unwilling or unable within a reasonable period of time, not to exceed twelve months, to remedy the conditions which led to or required continuation of the child's foster care placement notwithstanding reasonable and appropriate efforts of the petitioner.

8. The termination of the mother's parental rights is in the best interest of Emma Grubb.

WHEREFORE, the Petitioner, the Roanoke City Department of Social Services, respectfully requests that this Court terminate Jane Tedesco's parental rights, including, but not limited to her right to visitation, consent to adoption, the right to determine the religious affiliation and the responsibility for support pursuant to Section 16.1-283(B) and/or Section 16.1-283(C)(2), Code of Virginia, as amended.

ROANOKE CITY DEPARTMENT OF SOCIAL SERVICES

By Counsel

Heather P. Ferguson

Daniel J. Callaghan, City Attorney
Heather P. Ferguson, Assistant City Attorney, VSB 40367
1510 Williamson Road, N.E.
Roanoke, Virginia 24012
(540) 853-6425
(540) 853-2027 (facsimile)
Counsel for Department of Social Services

COMMONWEALTH OF VIRGINIA
City of Roanoke; to wit:

I, the undersigned notary public, hereby acknowledge that the foregoing petition was acknowledged, sworn to and subscribed by Heather P. Ferguson, Esquire, this 1 day of February, 2018.

Ashleigh Goad
Notary Public

My Commission expires:

7584739



CERTIFICATE

I, Heather P. Ferguson, do hereby certify that I have mailed of this petition on this 1st day of February, 2018 to Brittany Furr, 333 Church Avenue, S.W., Roanoke, Virginia, 24016 and to James P. Cargill, P.O. Box 411, Roanoke, Virginia, 24003.


Heather P. Ferguson

VIRGINIA:

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT FOR THE
CITY OF ROANOKE

IN RE: CARLY GRUBB

Serve: Jane Tedesco
123 E. Main St.
Roanoke, VA 24017

) PETITION FOR
) TERMINATION OF
) MOTHER'S PARENTAL
) RIGHTS

)
)
)
)

COMES NOW the Roanoke City Department of Social Services, by counsel, and respectfully states as follows:

1. Carly Grubb is a one-year old child born on September 1, 2016.
2. The father of Carly Grubb is Jimmy Grubb, who is deceased.
3. The mother of Carly Grubb is Jane Tedesco, who resides at 123 E. Main Street, Roanoke, Virginia, 24017.
4. On March 1, 2017, the Department of Social Services for the City of Roanoke was granted custody of Carly Grubb as a result of an emergency removal order.
5. On March 1, 2018, the Department of Social Services for the City of Roanoke will ask the Juvenile and Domestic Relations District Court for the City of Roanoke to approve a foster care plan with the goal of adoption for Carly Grubb. Said foster care plan states that termination of parental rights is in Carly's best interest.
6. The neglect or abuse suffered by Carly Grubb presented a serious and substantial threat to her life, health or development and it is not reasonably likely that the conditions which resulted in such abuse can be substantially corrected or eliminated so as to allow the child's safe return to her parent within a reasonable period of time notwithstanding reasonable and appropriate efforts of the petitioner.

7. The mother of Carly Grubb has without good cause, been unwilling or unable within a reasonable period of time, not to exceed twelve months, to remedy the conditions which led to or required continuation of the child's foster care placement notwithstanding reasonable and appropriate efforts of the petitioner.

8. The termination of the mother's parental rights is in the best interest of Carly Grubb.

WHEREFORE, the Petitioner, the Roanoke City Department of Social Services, respectfully requests that this Court terminate Jane Tedesco's parental rights, including, but not limited to her right to visitation, consent to adoption, the right to determine the religious affiliation and the responsibility for support pursuant to Section 16.1-283(B) and/or Section 16.1-283(C)(2), Code of Virginia, as amended.

ROANOKE CITY DEPARTMENT OF SOCIAL SERVICES

By Counsel

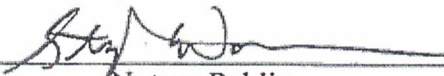


Daniel J. Callaghan, City Attorney
Heather P. Ferguson, Assistant City Attorney, VSB 40367
1510 Williamson Road, N.E.
Roanoke, Virginia 24012
(540) 853-6425
(540) 853-2027 (facsimile)
Counsel for Department of Social Services

COMMONWEALTH OF VIRGINIA

City of Roanoke; to wit:

I, the undersigned notary public, hereby acknowledge that the foregoing petition was acknowledged, sworn to and subscribed by Heather P. Ferguson, Esquire, this 1st day of February, 2018.



Notary Public

My Commission expires:

10/31/2021



CERTIFICATE

I, Heather P. Ferguson, do hereby certify that I have mailed of this petition on this 1st day of February, 2018 to Brittany Furr, 333 Church Avenue, S.W., Roanoke, Virginia, 24016 and to James P. Cargill, P.O. Box 411, Roanoke, Virginia, 24003.


Heather P. Ferguson

CASA REPORT

**CHILDREN'S TRUST CASA PROGRAM
COURT APPOINTED SPECIAL ADVOCATE REPORT
FOR
Roanoke City: JUVENILE AND DOMESTIC RELATIONS COURT**

HEARING DATE: March 27, 2018

CONFIDENTIAL

CASE NAME: Emma Grubb

CASE NUMBER:

DOB: 1/20/15

CASE NAME: Carly Grubb

CASE NUMBER:

DOB: 9/1/16

MOTHER: Ms. Jane Tedesco

FATHER: Mr. James Grubb (deceased)

CASA: Katie Van Patten

SITUATION:

DOCUMENTARY INFORMATION :

The children were placed in foster care on March 1, 2017. The Department of Social Services had provided services, for this family, for six months in 2015 following Emma being born substance exposed to amphetamine. The case was closed when both parents were no longer using illegal substances. On March 1, 2017 the Department of Social Services reported to the home of Jimmy Grubb and Jane Tedesco at 2:00 a.m. The worker, Rachel Whiting, found Emma Grubb (2 years old) and Carly Grubb (6 months old) awake, in soiled diapers and filthy. Ms. Tedesco showed signs of having been a victim of an assault with a bloody nose and scratches. There were drugs and drug paraphernalia on the table, in plain sight of the children. The paraphernal included syringes within reach of the children. Both parents were arrested and charged with felony possession of drugs(believed to be heroin) and Jimmy Grubb was additionally charged with assault and battery. They were transported to the magistrate's office. The children entered foster care. Initially the family service plan was devised for both parents unfortunately Mr. Grubb passed away on June 29, 2017.

CHILD 1: Emma is a very sociable child that enjoys engages with others. Emma lives with her sister in a City of Roanoke Resource Family home located in Roanoke County where she is flourishing. When she first entered the foster home she was sometimes very clingy or she would be guarded and not want you to touch her. The daycare staff reports

that she has become more comfortable and trusting around adults. They had been told how frightened and confused the girls were when social services responded to their home when they came into care. They had probably had limited interaction with anyone, other than their parents. She now interacts well with the adults and other children. She is able to regulate her emotions when she doesn't get her way and is age appropriate in her behaviors. She is involved in play therapy and that service has been discontinued as no longer necessary. She was behind on her immunizations and that has been corrected. She will now receive ongoing medical care as needed.

She was screened by the early intervention clinic and found to be in need of speech therapy which she has been receiving. The therapy has resulted in a significant improvement in her speech. She appears to be less frustrated when she can make herself understood. Unfortunately visits with her mother take a toll on her. She gets either tearful or defiant. When she starts crying after a visit there is nothing the foster parents can do to console her but let it run its course. Her other reaction to the visits is evidenced in temper tantrums where she becomes argumentative. Since her father passed away she asks where he has gone and this has added to her confusion. She has been told her father is in heaven. However she just knows that she does not get to see him and does not like leaving her mother following visits.

She adores the foster parents and has settled into the family routine. She eagerly wants their attention and praise and they give her both frequently. She never says she wants to go home or asks when she will go home. She is very content in this placement.

CHILD 2: Carly Grubb is a very happy child who is always smiling. She engages with other children and adults comfortably. She is on track for her developmental milestones. She was not only behind on her immunizations but had not been seen since her one month checkup. (at the time of removal she was six months old).

Carly lives with her sister in a City of Roanoke Resource Family home located in Roanoke County. She is doing well in this placement and given her age she has now lived here longer than anywhere in her life. She follows her sister everywhere and imitates her or wants to do what Emma is doing. She seeks the approval and attention of the foster parents as well as her sister. She is happy when she interacts with the foster parents and appears quite content in this placement.

MOTHER: Ms. Jane Tedesco has participated in visits with her children and clearly loves them both. However, she appears to be unable to meet the demands of being a parent. She has not completed recommended services which include psychological evaluation, DVAP, parenting education, substance abuse evaluation and recommended treatment, demonstrate that she is not using illegal drugs, secure and maintain employment and maintain stable housing. She has attempted to follow through with services in that she started DVAP and parenting but in both cases missed groups that resulted in her being terminated. She continues to test positive for marijuana, cocaine and methamphetamines. She missed her appointment with Dr. Mundy for the psychological evaluation. She has stable housing with the aid of rent assistance. She had a job at Wendy's for a short period of time but when Mr. Grubb passed away she quit. She was also employed for a short time at CEI. She currently has no means of support and is resistant to looking for work or talking about looking for work. Most recently she reports

that she will be using her tax refund (exact amount unknown) to live off and look for work "later". She has been reminded that it is one of the components of her service plan and that does not seem to make a difference in her interest to look for a job.

In addition to not completing substance abuse treatment she continues to use illegal drugs which pose an unacceptable risk to the children and herself. She tested positive for illegal substances both before and after Mr. Grubb's death. It appears, based on the drug screen results that Mr. Grubb's death, due to an overdose, did not have an impact on her own drug usage. She specifically tested positive for methamphetamine on August 1, 2017, just a few days after his death.

In discussing her substance abuse she is vague about her commitment to remain drug free. She was placed in the IOP waiting or interim group until there was an opening in the IOP program, offered through Blue Ridge Behavioral Health Care. She was terminated from the program for excessive absences. She does not articulate wanting to be drug free or trying to remain drug free but rather talks about finishing the "classes" for the court. She does not recognize this as a difficult lifestyle change that would require her to be motivated and even then would be difficult. When the children initially entered foster care she reported that she was continuing to use drugs because she was upset about the removal of her children. After the death of Mr. Grubb she reported that she was using drugs because of that loss.

She has visited with the children and her interaction with the girls has demonstrated that she loves them. She has supervised visits at the Department of Social Services for two hours once a week. However, she has difficulty staying focused during the visit. She has had an especially difficult time following the death of her Mr. Grubb. When her sleeping during a visit was addressed the social worker she reported that she could not sleep since he died. She has been repeatedly referred to counseling to deal with this loss and she responds by saying "I am OK" or "I will get through this by myself". It was then pointed out she did not appear to be handling the grief and was strongly encouraged to get treatment, to no avail.

FATHER: Mr. Grubb passes away from a heroin overdose June 29, 2017.

PATERNAL GRANDMOTHER: Joy Grubb, had been participating in visits with the girls but stopped visiting after the death of her son. She had also filed for custody of these children but she withdrew the petition after he passed away.

SUMMARY/CONCERNS:

No relatives have been located as a possible placement for these children. The girls are entitled to a stable, safe home that can provide for their needs. This is available in the current foster home where they not only have their needs met but are loved and nurtured. Although Mr. Grubb passed away and the need for the DVAP group was not as pressing it is a concern given that victims of domestic violence tend to choose partners who are physically aggressive, unless this dysfunctional cycle is broken. If the children were

returned to her without this intervention, there would be a concern that she might be drawn into another violent relationship. She failed to complete the psychological evaluation. There is a concern that she might be using illegal drugs to self-medicate an underlying psychological problem. Given that she has continued to use illegal substances it is not clear what, if any, symptoms she might have. She would also benefit from that evaluation to identify if her depression from the death of Mr. Grubb is situational or chronic depression. She might benefit from psychiatric medications. She is not in treatment for substance abuse and this was a primary issue at the time of the removal. She does not say she wants to be in treatment or work towards being drug free.

I believe it is in the best interest of the children to remain in foster care and specifically this placement if that continues to be available. This recommendation is based on the lack of significant progress on the part of Ms. Tedesco. She is unable to function as a full time, single, parent at this time. It does not appear that there are any services that would remedy this situation in a short period of time.

RECOMMENDATIONS:

It is respectfully recommended that:

1. Ms. Tedesco to have a final visit with Emma and Carly.
2. Give Ms. Tedesco the opportunity to complete a Life Book for Emma and Carly.
3. To monitor Emma for any residual effects of having been substance exposed at birth.
4. To keep the children together, if possible. If not physically possible to insure they have regular contact with each other.

Respectfully submitted,



Katie Van Patten
CASA Program Supervisor

ORDERS FOR INVOLUNTARY TERMINATION
OF
RESIDUAL PARENTAL RIGHTS

**ORDER FOR INVOLUNTARY TERMINATION OF
RESIDUAL PARENTAL RIGHTS**

Commonwealth of Virginia

VA. CODE § 16.1-283

Case No.

03/27/2018

HEARING DATE AND TIME

ROANOKE CITY

☐ Circuit Court

☒ Juvenile and Domestic Relations District Court

In re: EMMA GRUBB

NAME OF CHILD

01/20/2015

DATE OF BIRTH

JANE TEDESCO

NAME OF PARENT (☐ FATHER ☒ MOTHER)

BRITTANY FURR

PARENT'S ATTORNEY

ROANOKE CITY DSS

, **Petitioner**, alleges that the above-named child comes within the jurisdiction of the Juvenile and Domestic Relations District Court law. The parties have been informed of their right to representation by a lawyer. Due notice of the proceedings has been given to the parties by the court. **If no summons or notification is required pursuant to Virginia Code § 16.1-263, I, the undersigned judge, certify that the identity of the ☐ father ☐ mother ☐ guardian is not reasonably ascertainable.**

JAMES CARGILL

NAME OF ATTORNEY

was appointed by the Court as guardian ad litem for the child.

A foster care plan, which documents termination of parental rights as being in the best interests of the child, has been filed pursuant to Virginia Code § 16.1-281 and has been approved by the Court.

Having heard the evidence and determined that the child comes within the jurisdiction of this Court,

1. The Court makes the following finding with respect to the Indian Child Welfare Act:

☒ The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.

OR

☐ The child is, or there is reason to believe that the child is, an Indian child. The Indian Child Welfare Act applies, unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use active efforts to work with all tribes of which the child
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

2. The Court further finds, based upon clear and convincing evidence, that:

a. ☐ Va. Code § 16.1-283 B

- The neglect or abuse suffered by such child presents a serious and substantial threat to his or her life, health or development; and
- It is not reasonably likely that the conditions which resulted in such neglect or abuse can be substantially corrected or eliminated so as to allow the child's safe return to his or her parent within a reasonable period of time.

☐ Va. Code § 16.1-283 C

☐ The above-named parent, without good cause, has failed to maintain continuing contact with and to provide or substantially plan for the future of the child for a period of six months after the child's placement in foster care notwithstanding the reasonable and appropriate efforts of social, medical, mental health or other rehabilitative agencies to communicate with the parent and to strengthen the parent-child relationship; or

☐ The above-named parent, without good cause, has been unwilling or unable within a reasonable period of time not to exceed twelve months from the date the child was placed in foster care to remedy substantially the conditions which led to or required continuation of the child's foster care placement, notwithstanding the reasonable and appropriate efforts of social, medical, mental health or rehabilitative agencies to such end.

☐ Va. Code § 16.1-283 D

- The child was abandoned under such circumstances that either the identity or the whereabouts of the above-named parent cannot be determined; and
- The child's parent or parents, guardian or relatives have not come forward to identify such child and claim a relationship to the child within three months following the issuance of an order by the court placing the child in foster care; and
- Diligent efforts have been made to locate the child's parent without avail.

☐ Va. Code § 16.1-283 E (i)

The residual parental rights of the above-named parent to a sibling have previously been involuntarily terminated.

☐ **Va. Code § 16.1-283 E (ii)**

The above-named parent of the child has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense and the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child.

☐ **Va. Code § 16.1-283 E (iii)**

The above-named parent of the child has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault and the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense.

☐ **Va. Code § 16.1-283 E (iv)**

The above-named parent of the child has subjected the child to aggravated circumstances.

AND, in accordance with Virginia Code § 16.1-283 G,

- b. ☒ The child is not 14 years old or older nor is otherwise of an age of discretion.
☐ The child is 14 years old or older, has a disability that reduces his or her developmental age, and is not otherwise of an age of discretion.
☐ The child does not object to the termination of residual parental rights of the above-named parent and is:
☐ age 14 years old or older, or ☐ not age 14 years old but is otherwise of an age of discretion.
- c. It is in the child's best interests that the residual parental rights of the above-named parent be terminated.
- d. The Court further finds that

3. The Court **ORDERS** that the residual parental rights of JANE TEDESCO NAME OF PARENT
 which include, but are not limited to, the right of visitation, consent to adoption and right to determine religious affiliation be terminated.
4. The Court **ORDERS** that the child is committed to the care and custody of ROANOKE CITY DSS PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL/ADDRESS
☐ If legal custody of the child is transferred to a relative or other interested individual, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.
5. ☐ The Court **ORDERS** that the department or agency shall have the authority to place the child for adoption and consent thereto, shall make permanent plans for the placement of the child, and shall file an Adoption Progress Report pursuant to Virginia Code § 16.1-283 F on
DATE
6. ☐ Other

7. ☐ This order having been entered in the CITY OR COUNTY Circuit Court,
 the matter is referred pursuant to Virginia Code § 16.1-297 to the CITY OR COUNTY Juvenile and
 Domestic Relations District Court for future proceedings.

This ORDER is final.

03/27/2018

DATE

JUDGE

**ORDER FOR INVOLUNTARY TERMINATION OF
RESIDUAL PARENTAL RIGHTS**

Commonwealth of Virginia VA. CODE § 16.1-283

Case No.

03/27/2018

HEARING DATE AND TIME

ROANOKE CITY

[] Circuit Court

[X] Juvenile and Domestic Relations District Court

In re: CARLY GRUBB

NAME OF CHILD

09/01/2016

DATE OF BIRTH

JANE TEDESCO

NAME OF PARENT ([] FATHER [X] MOTHER)

BRITTANY FURR

PARENT'S ATTORNEY

ROANOKE CITY DSS

, **Petitioner**, alleges that the above-named child comes within the jurisdiction of the Juvenile and Domestic Relations District Court law. The parties have been informed of their right to representation by a lawyer. Due notice of the proceedings has been given to the parties by the court. **If no summons or notification is required pursuant to Virginia Code § 16.1-263, I, the undersigned judge, certify that the identity of the [] father [] mother [] guardian is not reasonably ascertainable.**

JAMES CARGILL

NAME OF ATTORNEY

was appointed by the Court as guardian ad litem for the child.

A foster care plan, which documents termination of parental rights as being in the best interests of the child, has been filed pursuant to Virginia Code § 16.1-281 and has been approved by the Court.

Having heard the evidence and determined that the child comes within the jurisdiction of this Court,

1. The Court makes the following finding with respect to the Indian Child Welfare Act:

[X] The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.

OR

[] The child is, or there is reason to believe that the child is, an Indian child. The Indian Child Welfare Act applies, unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

..... shall use active efforts to work with all tribes of which the child
PUBLIC OR PRIVATE CHILD-PLACING AGENCY
may be a member to verify, in writing, whether the child is in fact a member or eligible for membership.

2. The Court further finds, based upon clear and convincing evidence, that:

a. [] Va. Code § 16.1-283 B

- The neglect or abuse suffered by such child presents a serious and substantial threat to his or her life, health or development; and
- It is not reasonably likely that the conditions which resulted in such neglect or abuse can be substantially corrected or eliminated so as to allow the child's safe return to his or her parent within a reasonable period of time.

[] Va. Code § 16.1-283 C

- [] The above-named parent, without good cause, has failed to maintain continuing contact with and to provide or substantially plan for the future of the child for a period of six months after the child's placement in foster care notwithstanding the reasonable and appropriate efforts of social, medical, mental health or other rehabilitative agencies to communicate with the parent and to strengthen the parent-child relationship; or
- [] The above-named parent, without good cause, has been unwilling or unable within a reasonable period of time not to exceed twelve months from the date the child was placed in foster care to remedy substantially the conditions which led to or required continuation of the child's foster care placement, notwithstanding the reasonable and appropriate efforts of social, medical, mental health or rehabilitative agencies to such end.

[] Va. Code § 16.1-283 D

- The child was abandoned under such circumstances that either the identity or the whereabouts of the above-named parent cannot be determined; and
- The child's parent or parents, guardian or relatives have not come forward to identify such child and claim a relationship to the child within three months following the issuance of an order by the court placing the child in foster care; and
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The above-named parent of the child has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense and the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child.

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The above-named parent of the child has subjected the child to aggravated circumstances.

AND, in accordance with Virginia Code § 16.1-283 G,

- b. ☒ The child is not 14 years old or older nor is otherwise of an age of discretion.
☐ The child is 14 years old or older, has a disability that reduces his or her developmental age, and is not otherwise of an age of discretion.
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This ORDER is final.

03/27/2018

DATE

JUDGE

STANDARDS TO GOVERN THE PERFORMANCE OF GUARDIANS AD LITEM FOR CHILDREN

These standards apply to all attorneys serving as Guardians ad litem for children in child protection¹, custody and visitation, juvenile delinquency, child in need of supervision, child in need of services, status offense and other appropriate cases, as determined by the court, in juvenile and domestic relations district courts, circuit courts, the Court of Appeals and the Supreme Court of Virginia. These standards augment the policies governing the qualification of attorneys as Guardians ad litem.

INTRODUCTORY COMMENT: Many of the competencies required to represent children are the same as those required for many other types of litigation. There are skills, abilities and actions expected of attorneys in all cases such as conducting interviews, framing and evaluating pleadings, engaging in discovery techniques, thoroughly preparing for trial, and negotiating on behalf of a client. These skills are of equal importance to other types of civil cases such as labor, tort, contract or family law. The need for practices such as comprehensive client interviews is present in every case. Likewise attorneys involved in any form of litigation must make choices and determine strategic options. For example, the need to interview non-parties depends on the nature of the case and the litigator's goal. Hence, qualifying phrases like "as appropriate" or "in so far as possible" are found in several standards and commentaries.

Representing children, however, is also different from other forms of litigation. The importance of the dispositional process and the potential for court proceedings to affect the very nature of a family provide the basis for these distinctions. The long-term consequences to the child client make the role of a Guardian *ad litem* (GAL) as crucial at the dispositional stage as at any other phase of the case. These consequences demand full attention to the formulation and articulation of well-supported arguments and appropriate recommendations, as well as critical evaluation of plans proposed by others.

The GAL acts as an attorney and not a witness, which means that he or she should not be cross-examined and, more importantly, should not testify. The GAL

¹ "Child protection cases" includes cases where a public or private child welfare agency is involved and concern children who are the subject of any of the following petitions: child abuse or neglect; child at-risk for abuse or neglect; approval of an entrustment agreement or for relief of custody; foster care review; permanency planning and termination of parental rights.

should rely primarily on opening statements, presentation of evidence and closing arguments to present the salient information the GAL feels the court needs to make its decisions.

The implicit set of checks and balances operative in non-juvenile cases is generally not likely to work for children. In a civil action involving adults, the successful party knows when a judgment is paid or a court order is implemented. In proceedings involving children this may not be so; the child may be too young to understand or monitor orders, or the legal proceedings may be too complex for the child to understand. Thus, these standards incorporate provisions regarding communication with the child, the implementation of orders and appeals.

Attorneys who serve as GALs are subject to the Rules of Professional Conduct promulgated by the Virginia State Bar as they would be in any other case, except when the special duties of a GAL conflict with such rules. For example, an attorney would follow the general conflict rule (1.7) to determine if there would be a possible conflict of interest if the attorney served as GAL. But unlike the Rules for Professional Conduct as they apply to confidentiality, there may be times when attorneys serving as a GAL must, in furtherance of their role as GAL, disclose information provided by the child to the court. A GAL appointed to represent siblings should be alert to potential conflicts and, when appropriate, request that the court appoint a separate GAL for each child.

The role and responsibility of the GAL is to represent, as an attorney, the child's best interests before the court. The GAL is a full and active participant in the proceedings who independently investigates, assesses and advocates for the child's best interests. Decision-making power resides with the court.

Standards Governing Performance

In fulfilling the duties of a Guardian *ad litem* (GAL), an attorney shall:

A. Meet face-to-face and interview the child.

COMMENT: The first duty of the GAL is to establish a relationship with the child client, as an attorney would with any client. This interview should be conducted face-to-face at a time and place that allows the GAL to observe the child and ascertain: the child's wishes, the safety and adequacy of the child's current placement, and the need for further testing, evaluation or interim judicial relief. Such interviews are best conducted on a date prior to the first court appearance and at a location other than the courthouse. It is important to meet with the child in a private setting, such as the GAL's office, the child's home, school or placement, away from the litigants so that the child can talk openly.

There should be sufficient time between the interview and court appearances for the GAL to fully analyze the information gleaned, take appropriate actions and formulate meaningful arguments and recommendations.

The content and direction of the interview should take into account the child's age, maturity and potential stress created by the circumstances of the case and prior interviews, especially in cases involving allegations of sexual or other abuse. In such cases, GALs should rely upon videotapes of forensic interviews or attend interviews of the child conducted by trained experts rather than conducting their own independent investigation and interviewing the child about the facts of their alleged victimization.

As appropriate, children should be encouraged to articulate their concerns and views. In custody and visitation cases, care should be taken so that the child never feels compelled to state a preference or choose between parents or placements.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should exercise caution when talking

to the child about the circumstances of the offense and advise the child about the limitations on confidentiality that may apply.

Young children present a challenge, but the age and verbal ability of the child do not abrogate the responsibility to meet face-to-face with the child. In meetings with young children, and with children with limited language abilities or those with disabilities, the GAL will rely much more heavily on observation. Conducting such meetings at the child's home or placement allows the GAL to observe the surroundings and the child's interactions with others, as well as to interview the child's caretaker.

If the child expresses wishes that are contrary to the GAL's assessment of the child's interests and welfare, the GAL is obligated to inform the court of these wishes. If appropriate, the GAL should request that an attorney be appointed to serve as counsel for the child. If the child is uncooperative or appears to have been influenced by a parent or custodian, the GAL should inform the court of these circumstances.

B. Conduct an independent investigation in order to ascertain the facts of the case.

COMMENT: The GAL shall review any and all relevant records, which may include court, social service, medical, mental health, and school records. The GAL should attach a copy of the Supreme Court of Virginia's Form DC-514, ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM, to any written request for records since it delineates the statutory authority for access to records.

The GAL shall interview the parties to the dispute and any other persons with relevant knowledge of the child and the facts that gave rise to the allegations. Such other persons would include, for example, the child's parents, current caretaker including foster parents, an assigned Court-Appointed Special Advocate (CASA) worker, social worker, child care provider, clergy, neighbors, relatives, school personnel, and health and mental health providers. When the child is young, there is a greater need to seek independent sources of information

and obtain verification of salient facts. Such interviews are best conducted on a date prior to the court appearances and at a location other than the courthouse.

GALs should communicate their role and responsibilities clearly to the parents and/or other party's attorneys including the GAL's legal status in the proceeding and responsibility to participate fully to protect the child's interests and express the child's wishes.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should contact the child's defense attorney.

There should be sufficient time between the interview and court appearances for the GAL to fully analyze the information gleaned, take appropriate actions such as issuing subpoenas, filing motions for temporary or protective relief or appointment of an independent expert to evaluate the child, and formulate a meaningful strategy.

If the home environment is at issue, the GAL should visit the child's home and any proposed alternative placement.

GALs should independently evaluate all allegations of child abuse or neglect, or of risk to the child's safety or welfare, including but not limited to physical or mental abuse, sexual abuse, lack of supervision, educational neglect, and exposure of the child to domestic violence or substance abuse, regardless of whether such abuse or neglect or risk is identified in the parties' pleadings.

C. Advise the child, in terms the child can understand, of the nature of all proceedings, the child's rights, the role and responsibilities of the GAL, the court process and the possible consequences of the legal action.

COMMENT: The GAL shall make every effort to ensure that the child understands, by using language appropriate to the child's age and verbal abilities, the nature of the proceedings, the consequences which may result, the possibility of future modifications, the attorney's responsibilities as a GAL, and how to contact the GAL. If the child has significant emotional problems, the

GAL should consult with a mental health specialist or the child's therapist in order to determine the best manner to present this information.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the GAL should explain how the GAL's role and responsibilities differ from that of the child's defense attorney and advise the child about the limitations on confidentiality that may apply.

The GAL must inform the child that there may be circumstances when confidentiality will apply to communication between the child and GAL, and circumstances when it may not. The GAL may use information received from the child to further the child's best interest. For example, the GAL may learn from the child that a custodian is taking illegal drugs and may use that information to request that the court order drug testing of the custodian.

The GAL should keep the child apprised of any developments in the case and actions of the court or parties involved. The GAL shall maintain meaningful contact with the child throughout the term of the case to monitor the child's welfare and the parties' compliance with court orders.

D. Participate, as appropriate, in pre-trial conferences, mediation and negotiations.

COMMENT: The GAL should be involved, as appropriate, in all pre-trial conferences and negotiations including phone calls, formal or informal conferences and mediation. Additionally, the GAL should take any action necessary to attempt to resolve the case in the least adversarial manner possible; however, a GAL should clarify, when necessary, that he or she is not acting as a mediator.

The GAL's role in such meetings is to represent and advocate for the best interests of the child. A GAL who participates in mediation is bound by the confidentiality rules governing mediation as found in § 8.01-576.10 of the *Code of Virginia*. As a general rule, the GAL should encourage settlements. In exceptional cases where the GAL reasonably believes that a proposed settlement would be contrary to the welfare of the child, the GAL should first discuss these

concerns with the parties and their counsel. If these concerns are not addressed, the GAL should bring the facts that led to the concerns about the settlement to the court's attention by filing a motion to vacate the agreement in accordance with § 8.01-576.12 of the *Code of Virginia*. Any proposed settlement which is deleterious to the child should be opposed despite the agreement of the other parties.

E. Ensure the child's attendance at all proceedings where the child's attendance would be appropriate and/or mandated.

COMMENT: In so far as possible, the GAL should assure the meaningful participation of the child in all phases of the proceedings which would include attendance at appropriate court hearings.

The GAL should consult the child, caretaker, therapist and any other relevant individuals to determine the appropriateness of the child's attendance at a hearing. A decision to exclude the child from a hearing should be based on a particularized determination. In making this determination, the GAL should consider the age, maturity and desires of the child; the purpose of the hearing; the advice of those consulted; and the potential risk of trauma to the child evoked by such attendance.

In cases when the child has the right to attend hearings, the GAL should ensure that the child is informed of that right. As appropriate, the child should be provided sufficient information about such hearings to make an informed decision about whether to attend.

F. Appear in Court on the dates and times scheduled for hearings prepared to fully and vigorously represent the child's interests.

COMMENT: As in any case, the GAL is expected to act as an advocate for the client child. This demands attendance at all hearings with the intention of presenting a well formulated position based on the facts. This position should be supported by the GAL's independent investigation, and through the

development of a theory and strategy for the case. The GAL should prepare, present and cross-examine witnesses, offer exhibits, and provide independent evidence as necessary. Although the child's position may overlap positions of other parties such as the parents, the GAL should be prepared to participate fully in every hearing and not merely defer to or endorse the positions of other parties. The GAL acts as an advocate and uses every attorney skill appropriate to further a result favorable to the child's best interest. The GAL should never engage in ex parte communications with the court or submit written material to the court without promptly delivering a copy to the other parties and their counsel.

G. Prepare the child to testify, when necessary and appropriate, in accord with the child's interest and welfare.

COMMENT: The GAL should determine whether to call the child as a witness based on consideration of the child's need or desire to testify, developmental and verbal capabilities of the child and the child's ability to withstand cross-examination. For some children testifying is therapeutic and empowering, while for others it may be very traumatic. The GAL must determine the possible benefits and repercussions of testifying and the necessity of the child's direct testimony. The GAL shall consult a mental health specialist or therapist working with the child, if there is one, to assist in evaluating whether testifying will cause trauma to the child. Consideration should also be given to the availability of other evidence or hearsay exceptions that may substitute for direct testimony.

If the child does not wish to testify or would, in the GAL's opinion, be harmed by being forced to testify, the GAL should seek an agreement of the parties not to call the child as a witness or utilize other remedies such as an order from the court to limit the scope or circumstances of the testimony.

If the child is compelled to testify, the GAL should seek to minimize the adverse consequences by seeking appropriate accommodations as allowed by law, such as testimony taken by closed circuit television in accord with § 63.2-

1521 of the *Code of Virginia* or an “in camera” interview of the child in the judge’s chambers. The GAL should prepare the child for “in camera” interviews or testimony by explaining the nature and purpose of the proceeding and the use or disclosure that may be made of the information that the child provides during the proceeding.

In juvenile delinquency, child in need of supervision, child in need of services, and status offense cases, the child’s defense attorney will take responsibility for preparing the child to testify when necessary.

H. Provide the court sufficient information including specific recommendations for court action based on the findings of the interviews and independent investigation.

COMMENT: The GAL is obligated to assure that all facts relevant to the case, available dispositional remedies and possible court orders are presented to the court. The GAL’s arguments to the court should address every appropriate aspect of the litigation including: analysis of any allegations of abuse, neglect or risk; analysis of factors to be considered in a determination related to custody and visitation; placement of the child; services to be made available to the child and family; dispositional alternatives for the child or parents in juvenile delinquency, child in need of supervision, child in need of services, status offense cases and custody and visitation arrangements; and any other orders the GAL deems to be in the child’s interest. Recommendations for placements outside the home should take into consideration the availability and appropriateness of placement with relatives or friends, parental visitation and keeping a sibling group together.

The GAL’s arguments should contain, but not be limited to, an analysis of and comment on plans presented by other parties such as the Department of Social Services, court services staff, or as a result of mediation.

In certain circumstances, a summary of the GAL’s findings with recommendations and the basis for those recommendations may be presented to

the court. Such circumstances include the dispositional phase of a case involving both an adjudicatory and dispositional phase or, at the request of the court, in a custody/visitation case. This summary may be written or oral. If written, copies of the summary should be provided to the other parties and their counsel at least five days prior to the hearing unless otherwise directed by the court.

In foster care placement, permanency planning, foster care review proceedings, and mediated agreements, the GAL should be aware of the proposed plans, should consult with the child about the proposal, and explore any alternatives the GAL believes are more appropriate. If the GAL disagrees with such plans, the court should be advised of this disagreement supported by evidence or information gleaned from the GAL's independent investigation.

I. Communicate, coordinate and maintain a professional working relationship in so far as possible with all parties without sacrificing independence.

COMMENT: Whenever it is appropriate to the child's needs and consistent with the direction of the court, the GAL should attend all meetings or hearings involving legal, educational and therapeutic issues specifically related to the case. These would include meetings of the Family Assessment and Planning Team, Individualized Education Plan (IEP) meetings, school disciplinary or other educational meetings, and foster care placement and review meetings. The GAL can present the child's perspective, gather information necessary to proper representation, and potentially achieve a negotiated settlement of all or some issues of the case at such meetings.

The GAL should contact any CASA volunteer assigned to the case and coordinate all aspects of the investigation with the CASA volunteer. Such volunteers can offer significant information and assistance to the GAL.

The GAL should contact the attorneys for the other parties to the case as soon as possible and at least seventy-two hours prior to any hearing. Counsel for other parties to the case may have information not included in any of the available records and can provide their respective clients' perspectives.

Appropriate communication should be maintained between the GAL and all agencies and professionals involved in the case.

J. File appropriate petitions, motions, pleadings, briefs, and appeals on behalf of the child and ensure the child is represented by a GAL in any appeal involving the case.

COMMENT: The GAL should make appropriate motions, including motions *in limine* and evidentiary objections, to advance the child's best interest in court and during other proceedings. When necessary, the GAL should file briefs in support of legal issues. The GAL should file a show cause against a party who is not following a court order or a motion under § 16.1-278 to compel an agency to provide services if it is not doing so as ordered.

If the GAL believes the court's determination is contrary to the child's interest or welfare, after considering the wishes of the child, a notice of appeal should be filed and measures taken to assure that the appeal is perfected expeditiously. The GAL should file any appropriate pleadings on behalf of the child, including responses to pleadings of other parties.

The GAL should also ensure that the child has representation in any appeal related to the case regardless of who files the appeal. During an appeal process initiated by another party, the GAL for a child may file a brief and participate fully at oral argument.

If the GAL feels he or she lacks the necessary experience or expertise to handle an appeal, the GAL should notify the court and seek to be replaced.

K. Advise the child, in terms the child can understand, of the court's decision and its consequences for the child and others in the child's life.

COMMENT: The GAL should review all orders to ensure they conform to the court's verbal orders and statutorily required findings and notices. The GAL should discuss all such orders and their consequences with the child. The child is entitled to understand what the court has done and what that means to the

child. The GAL should explain whether the order may be modified or whether the actions of the parties may affect how the order is carried out. For example, an order may permit an agency to return the child to the parents if certain goals are accomplished.

The American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, approved by the American Bar Association House of Delegates, February 5, 1996; American Bar Association Family Law Section Standards of Practice for Lawyers Representing Children in Custody Cases, Committee final draft approved April 24, 2003, and approved by the Section Council on May 2, 2003; The New York State Bar Association Committee on Children and the Law: Law Guardian Representation Standards, Volume II, Custody Cases, November 1999; Representing Children: Standards for Attorneys and Guardians Ad Litem in Custody and Visitation Proceedings, American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (NACC Revised Version), National Association of Counsel for Children, February 1996; American Academy of Matrimonial Lawyers, 1995; and Richmond Juvenile and Domestic Relations District Court Guardian Ad Litem Standards were heavily relied upon in the development of these standards.

Effective Date: September 1, 2003

A Handbook for Parents and Guardians in Child Dependency Cases

What you need to know
about the court process
and the people helping
you with your case.

A Resource for: _____
Write your name here.

Being involved in a child abuse, neglect and foster care case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you and write in it the names of the people who will be working with you and the dates of court hearings.

How Does Virginia Law Define Abuse and Neglect?

An abused or neglected child is a child whose caregiver creates, inflicts, allows or threatens physical or mental injury to the child other than by accident. In addition, abuse or neglect can occur when the caregiver does not provide the care necessary for the child's health or allows a sexual act to be committed against the child. A child can be abused or neglected even if it is not clear who injured the child. An abused or neglected child may be a child whose caregiver abandons the child, who is mentally or physically unable to care for the child, or who leaves the child home alone with a person, not a relative, who has been convicted of certain sex offenses. A child who is with a parent or other caregiver while illegal drugs are manufactured or sold can be abused or neglected.

Why Do You Have To Go To Court?

- ◆ The Department of Social Services ("Social Services") receives reports of suspected child abuse or neglect. Social workers investigate the reports and, if the reports are true, determine what help the family and child need. Social Services will file a petition with the Juvenile and Domestic Relations District Court ("Court") for an Emergency Removal Order when the family fails to cooperate, the situation is severe, or services cannot be provided while leaving the child in the home. This order gives Social Services emergency custody of the child.
- ◆ In deciding these cases, the actions of the Court are intended to keep children safe, to help families create a safe home for their children, and to ensure that both families and children receive the help they need.
- ◆ The Judge can require you and your family to get help. Also, the Judge can order that your child stay in the custody of Social Services and be placed in foster care. This means that Social Services is legally responsible for your child and, with the approval of the Court, can make decisions about where your child should live and what you need to do to have your child returned to you. You remain financially responsible for your child and may be ordered to pay child support.
- ◆ The same problems that brought you to the Court could also result in criminal charges against you, your partner, or someone else in your family. In that case, you may also have to go to Court on these charges and see another judge. This handbook does not deal with criminal cases.

How Do You Get Your Child Back Home?

- ◆ Children grow best in a permanent, safe and loving family. When they are removed from their homes, it is best for them to return as soon as possible. For your child to be returned to you, you must make your home safe and ensure proper care of your child within certain time limits as explained in this handbook.
- ◆ When children cannot return to their families, another permanent, safe home will be found for them—often through adoption.

Who Will Help?

Your Social Worker

Social Services will assign a foster care **Social Worker** for your child and family. When you go to Court, you should be given that person's name and phone number. Your Social Worker should:

- ◆ Help you understand the problems that brought you to Court;
- ◆ Help you work on the steps you must take to have your child returned to you; and
- ◆ Maintain regular contact with you and your child.

Your Social Worker will need the following information to care for your child:

- . Birth certificate.
- . Immunization record.
- . Social security card.
- . Medical insurance coverage.
- . Family medical history.
- . Your wage and income.
- . Names and addresses of relatives who might be able to take care of your child.
- . Identifying information for both parents including names, addresses, social security numbers, birth dates and phone numbers.

You should tell your Social Worker how you can be contacted and of any change of address if you move. If you do not hear from your Social Worker for a while, or if you have questions or problems, call your Social Worker.

Write the name of your **Social Worker**, address and phone number here:

Name: _____ Phone: _____

Address: _____ Best Time To Call: _____

Things I want to discuss or ask about:

Your Attorney

The Court may appoint an **Attorney** for you who should contact you before appearing in court. Or, you may want to hire your own attorney. Your attorney represents your rights and your wishes in the case. Your Attorney should:

- ◆ Talk with you before every hearing and speak for you in Court;
- ◆ Help you understand your rights; and
- ◆ Tell you about the hearings you will attend and what to expect at each hearing.

You should tell your Attorney how you can be reached. When you have questions or problems, call your Attorney.

Write the name of your Attorney, address and phone number here:

Name: _____ Phone: _____

Address: _____ Best Time to Call: _____

Things I want to discuss or ask about:

Others Who Are Involved in Your Case

Your Child's Attorney - the Guardian Ad Litem (GAL)

The Court will appoint an attorney for your child. This attorney is called a **Guardian Ad Litem (GAL)**. The GAL's job is to meet with your child and tell the Court what the GAL believes is best for your child. You need to cooperate with the GAL by answering the GAL's questions and letting the GAL visit with you or your child. The GAL represents the best interests of your child. The GAL does not represent you.

Write the name of your child's GAL, address and phone number here:

Name: _____ Phone: _____

Address: _____ Best Time to Call: _____

The Court Appointed Special Advocate (CASA)

The Court may also appoint a **Court Appointed Special Advocate (CASA)** for your child. The CASA is a trained volunteer who will meet with you and your child, as well as others involved in this case. The CASA reports to the Judge about how your child is doing and what the CASA believes is best for your child. You need to cooperate with the CASA by answering the CASA's questions and letting the CASA visit with you or your child.

Write the name of the CASA volunteer, address and phone number here:

Name: _____ Phone: _____

Address: _____ Best Time to Call: _____

The Department of Social Services' Attorney

Social Services also may have an attorney who helps to present information to the Court about what Social Services believes the Court should do for the child and family.

When Will You Have to Go to Court?

The Court will require you to attend several court hearings so that the Judge and others may listen to all sides and decide what is best for your child. Most child abuse and neglect cases have at least five different court hearings during the first year.

Step 1 Preliminary Removal Hearing

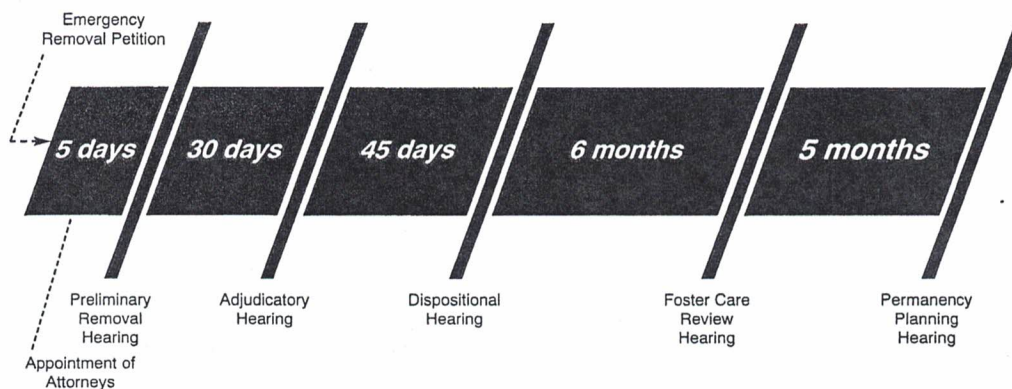
Step 2 Adjudicatory Hearing

Step 3 Dispositional Hearing

Step 4 Foster Care Review Hearing

Step 5 Permanency Planning Hearing

Each court hearing has a different purpose. They are all described in this handbook so that you will know what to expect at each hearing, when and where it will be held, and why it is important for you to attend.



*Remember, the actions of the Court are intended to keep children safe and help families create a safe home for their children. If you do not understand the purpose of any of the hearings you are asked to attend, talk to your attorney. **Unless you improve the conditions that brought your child into foster care, the Court may terminate your parental rights and your child may be placed for adoption.***

Step 1: The Preliminary Removal Hearing

Will my child remain in a foster home?

- ◆ Social Services may take a child into custody without a court hearing when there is an imminent threat to the child's life or health.
- ◆ The Court will hold a **Preliminary Removal Hearing** within 5 business days, if your child is removed from your home.
- ◆ At the **Preliminary Removal Hearing**, the Judge will determine if your child is abused or neglected. If you ask, the Court will put off making this decision and set a separate hearing called an Adjudicatory Hearing. It will be held within 30 days. The Judge will decide if your child should stay in the custody of Social Services until the Adjudicatory Hearing.
- ◆ The Attorney for Social Services, the GAL and your Attorney will present information about the case to the Judge.
- ◆ It is very important that you be at the Preliminary Removal Hearing to give your Attorney information that will help the Judge make a decision.

Write the time and place of the **Preliminary Removal Hearing** here:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

Step 2: The Adjudicatory Hearing

Was my child abused or neglected?

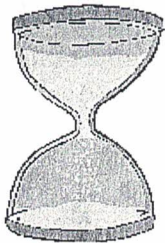
- ◆ At the **Adjudicatory Hearing**, the Judge will listen to the evidence and decide if your child has been abused or neglected.
- ◆ If the Judge decides that your child was abused or neglected, the Judge will set a date for the Dispositional Hearing.
- ◆ The Judge will decide where your child will live until the Dispositional Hearing.
- ◆ All the people who are involved in your case, including the attorneys, must be in court. It is very important that you attend the Adjudicatory Hearing.

Write the time and place of the **Adjudicatory Hearing** here:

Time & Date: _____

Place: _____

Things I want to discuss or ask about:



Step 3: The Dispositional Hearing

What is the Plan for my child and me?

- ◆ The **Dispositional Hearing** will be held about 75 days after your child's removal from the home. You may also be required to attend a Dispositional Hearing if your child is entering foster care because you have signed a voluntary entrustment agreement with Social Services, or because you have filed a petition with the Court asking to be relieved of custody of your child.
- ◆ At the Dispositional Hearing, the Judge will decide who should have custody of your child. The Court may return custody to you with certain conditions and requirements, place your child with a relative, or keep your child in foster care with Social Services.
- ◆ If your child stays in foster care, the Judge will review a Foster Care Plan prepared by Social Services for you and your child. The plan will identify a goal for timely moving your child out of foster care and into a permanent placement.
- ◆ The Foster Care Plan will state what you and others must do to help solve the problems that brought you and your child into Court. The Plan will identify the amount of time given for you and Social Services to complete this Plan and to achieve the permanent goal for your child.
- ◆ You need to start doing what the Judge orders in the Foster Care Plan right away.

Following the Foster Care Plan is the key to getting your child back home. Unless you do what the Judge orders, you could lose your rights to your child.

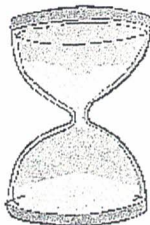
- ◆ The Judge will set a Foster Care Review Hearing to be held in about 6 months to hear how you and your child are doing from all the people involved in your case.
- ◆ It is very important that you attend the Dispositional Hearing, so that you completely understand what you need to do in order to have your child returned to you.

Write the time and place of the **Dispositional Hearing** here:

Time & Date: _____

Place: _____

Things I want to discuss or ask about:



Step 4: The Foster Care Review Hearing

How am I doing?

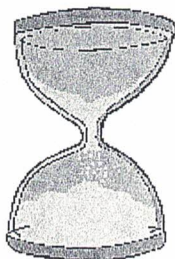
- ◆ Within 6 months of the Dispositional Hearing, there will be a **Foster Care Review Hearing** in Court. The Judge will review your case to make sure that you are doing what the Foster Care Plan requires. The Judge will also make sure the Social Worker and others are doing what is ordered in the plan.
- ◆ If the Foster Care Plan needs to be changed, the Judge will order those changes.
- ◆ The next hearing the Judge will set is the Permanency Planning Hearing. It will be held in about 5 months to see if you have completed what is required in the Foster Care Plan.
- ◆ It is very important that you attend the Foster Care Review Hearing.

Write the time and place of the **Foster Care Review Hearing** here:

Time & Date: _____

Place: _____

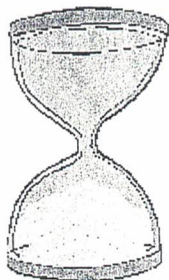
Things I want to discuss or ask about:



Step 5: The Permanency Planning Hearing

Will I lose my child forever?

- ◆ The **Permanency Planning Hearing** will be held about 5 months after the Foster Care Review Hearing. At the Permanency Planning Hearing, the Judge will decide whether or not your child can be safely returned home.
- ◆ If the Judge decides that your child cannot be safely returned home, the Foster Care Plan will be changed to adoption or some other permanent arrangement outside of your home.
- ◆ It is very important that you attend the Permanency Planning Hearing.



Write the time and place of the **Permanency Planning Hearing** here:

Time & Date: _____

Place: _____

Things I want to discuss or ask about:

These are your rights:

1. You have the right to an attorney. If you cannot afford to pay for an attorney, one may be appointed for you by the Court.
2. You have the right to admit or deny the allegations made about you and your family.
3. You have the right to be notified of all Court hearings. You must keep the Court informed if you move.
4. You may have an interpreter appointed by the Court if you do not speak or understand English or if you are deaf or hard-of-hearing.
5. You have the right to talk to your social worker and your attorney. But remember, they may be busy with someone else when you call. Be sure to leave a message with a phone number where you can be reached or call them again. Keep track of the best times to call them.

These are your responsibilities:

1. Take this seriously.
2. Attend the court hearings.
3. Do what the Foster Care Plan says you have to do. If you do not understand what is required, ask your attorney.
4. Stay in touch with your attorney and your social worker. Be sure they always have a current address and telephone number for you.
5. Be sure that you know what you are supposed to do and when, and then do it. Things move very quickly in child abuse and neglect cases. It will make a difference in whether or not your child is returned to you.

**Unless you do what the Court requires, you
could lose custody of your child forever.
Start working now on the things you need to do.**

Funds provided by DHHS Grant #0701 - VASCIP

*This handbook was first prepared for use throughout the Commonwealth by the **Parents' Handbook Committee** comprised of representatives from the Juvenile & Domestic Relations District Court for the 12th Judicial District, the Chesterfield-Colonial Heights Department of Social Services, the Chesterfield County Attorney's Office, CASA, and the Children's Home Society of Virginia. Subsequent editions have been issued by the Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia.*

12/2000 / Revised 6/2007 (9/08 – 9th Print)