

ACY Assignment for September 1, 2009

The Neglect Petition
(Robin Parker Packet 1)

The Robin Parker simulation is a group of exercises, loosely based on an actual ACY case from a previous year, designed to introduce you to many of the aspects of child protective proceedings that you'll encounter this semester. These exercises will take you from the beginning of a case to a potential resolution, allowing you to gain familiarity with important documents and statutes, learn about the various court-related proceedings, and practice client and court interactions.

This packet is the first of four you will be receiving for this simulation. Attached is a notice of appointment, the neglect petition, and the summary of facts for Robin Parker's case. The goals of this exercise are to show you the types of documents you can expect when you receive a neglect case and to get you thinking about the statutory and factual elements that are involved in child protective cases.

STATE OF CONNECTICUT

SUPERIOR COURT FOR JUVENILE MATTERS
239 WHALLEY AVENUE
NEW HAVEN CT 06511

September 1, 2009

JEAN K PETERS
J.N. FRANK LEGAL SERVICES
P.O. BOX 209090
NEW HAVEN CT 06520-9090

Dear Attorney for the Child:

You have been scheduled to appear for the following cases:

PARKER ROBIN N05-CP03-013218-A 09/16/2009 at 9:00 AM Plea
NEG At 239 WHALLEY AVENUE NEW HAVEN CT 06511

BRANDON PELEGANO

NOTICE OF APPOINTMENT

JD-JM-75EL Rev. 9-96
C.G.S. 46b-136, P. B. Sec. 1045, 1055



**STATE OF CONNECTICUT
SUPERIOR COURT
JUVENILE MATTERS**

NAME AND ADDRESS OF ATTORNEY

NAME AND ADDRESS OF PARTY TO BE REPRESENTED

TO:

✓
JEAN K PETERS
J.N. FRANK LEGAL SERVIC
P.O. BOX 209090
NEW HAVEN CT 06520

Robin Parker
123 Main St.
NEW HAVEN CT 06511

TELEPHONE NO. OF ATTORNEY

TELEPHONE NO. OF ABOVE PARTY
(000) 000-0000

Fals

SUPERIOR COURT FOR JUVENILE MATTERS AT (Address of court)		
NEW HAVEN		239 WHALLEY AVENUE
NEW HAVEN		CT 06511
VENUE 05	PARTY TO BE REPRESENTED CHILD	OTHER (Specify)
IN THE MATTER OF (Name of Case) Robin Parker		DOCKET NO. N05-CP03-013218-A
TYPE OF PETITION NEGLECT		APPOINTMENT MADE BY (Judge) G ESPOSITO
		ON (Date) 9/1/09

NOTICE TO COUNSEL

The court has appointed you as

ATTORNEY & G.A.L.

for the above-named party. File your appearance upon receipt of this notice. If you are unable to accept this appointment or appear at the above address on the date and at the time indicated below, please contact the Court Clerk immediately. Consult your client before plea or hearing when you must provide the last date of contact.

NOTICE TO PERSON BEING REPRESENTED

The court has appointed the above-named attorney/guardian ad litem to represent you. Contact this person at the address and telephone number shown above immediately upon receipt of this notice.

Parents: If you move, notify the attorney; if you do not do so, there may be no further notice of proceedings and the court may take action against you.

A HEARING ON THIS MATTER IS SCHEDULED FOR	DATE	TIME	<input checked="" type="checkbox"/> A.M.	<input type="checkbox"/> P.M.
	9/16/09	9:00		
NAME OF CLERK/PROBATION OFFICER BRANDON PELEGANO			DATE 9/1/09	

**PETITION: NEGLECTED,
UNCARED-FOR, DEPENDENT
CHILD/YOUTH**

JD-JM-98 Rev. 9-2000
C.G.S. 46b-120, 121, 129
Pr. Bk. Sec. 32-1, 32-2

**STATE OF CONNECTICUT
SUPERIOR COURT
JUVENILE MATTERS**

www.jud.ct.gov



TO: The Superior Court For Juvenile Matters

ADDRESS OF COURT 239 Whalley Avenue, New Haven, CT 06511		
NAME AND ADDRESS OF CHILD/YOUTH Robin Parker, 123 Main St., New Haven, CT 06511	PLACE AND DATE OF BIRTH New Haven, CT 7/01/92	SEX F
NAME AND ADDRESS OF PETITIONER Susan I. Hamilton, Commissioner, Department of Children and Families, One Long Wharf Dr., New Haven, CT 06511		
RELATIONSHIP TO CHILD/YOUTH <input checked="" type="checkbox"/> COMMISSIONER D.C.F. <input type="checkbox"/> PROBATION OFFICER <input type="checkbox"/> OTHER (<i>Specify</i>)		
NAME AND ADDRESS OF MOTHER (<i>If applicable</i>) Jane Andrews, 123 Main St., New Haven, CT 06511	DATE OF BIRTH 1/05/1972	INDIAN TRIBE/RESERVATION n/a
NAME AND ADDRESS OF FATHER (<i>If applicable</i>) Matt Parker, address unknown	DATE OF BIRTH 2/14/1971	INDIAN TRIBE/RESERVATION n/a
NAME AND ADDRESS OF GUARDIAN (<i>If applicable</i>)	DATE OF BIRTH	INDIAN TRIBE/RESERVATION
NAME AND ADDRESS OF PUTATIVE FATHER	DATE OF BIRTH	INDIAN TRIBE/RESERVATION
IF PARENT(S) IS/ARE MINOR(S), NAME(S) AND ADDRESS(ES) OF GRANDPARENT(S) OR GUARDIAN(S):		

THE PETITIONER REPRESENTS THAT THE CHILD/YOUTH IS:

- NEGLECTED IN THAT**
- the child/youth has been abandoned;
 - the child/youth is being denied proper care and attention, physically, educationally, emotionally or morally;
 - the child/youth is being permitted to live under conditions, circumstances or associations injurious to well-being;
 - or
 - the child/youth has been abused and has:
 - physical injury or injuries inflicted by other than accidental means;
 - injuries which are at variance with the history given of them or;
 - a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.
- UNCARED FOR IN THAT**
- the child/youth is homeless, or
 - the child's/youth's home cannot provide the specialized care which the physical, emotional or mental condition of the child/youth requires.
- DEPENDENT IN THAT** the child's/youth's home is suitable save for the financial inability of the parents, parent, or guardian or other person maintaining such home to provide the specialized care the condition of the child/youth requires.

STATE JURISDICTIONAL FACTS (*Use additional sheet if necessary*)

*** see addendum attached hereto and made a part hereof**

WHEREFORE your Petitioner requests that process may issue to bring the parents, or legal custodian of said child/youth before the court to be dealt with according to law.

SIGNED (<i>Petitioner</i>) <i>Susan Hamilton</i>	SUBSCRIBED AND SWORN TO BEFORE ME ON (<i>Date</i>)	DATE 9/1/09	SIGNED (<i>Judge, Asst. Clerk, Notary, Comm. Sup. Ct.</i>) <i>Courtney Smith</i>
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ORDER FOR HEARING AND SUMMONS

Upon the foregoing petition, it is hereby ORDERED, that said petition be heard and determined at the Court Location shown below on the Hearing Date and time indicated, AND FURTHER ORDERED, that the petitioner shall serve a copy of the foregoing petition on each parent/guardian named in this petition and they hereby are summoned to appear before the court on the Hearing Date and at the Court Location shown below by having a proper officer leave a true and attested copy of this order and summons with said respondent(s) or at the usual place of abode, or, if so ordered, by publication or mail on or before the date for service shown below and return same to the court.

HEARING DATE →	DATE	TIME OF HEARING
	9/16/09	9:00 a.m.
COURT LOCATION →	NO., STREET AND TOWN	
	239 Whalley Ave., New Haven, CT 06511	
	PUBLICATION FOR:	CERTIFIED MAIL FOR:
	Father	
	SERVICE TO BE MADE ON OR BEFORE (Date)	
	9/10/09	
	BY ORDER OF THE COURT (Signed - Judge/Clerk of Superior Court)	DATE SIGNED
	<i>Barbara Pedigan</i>	9/1/09

- FAILURE TO APPEAR:** If you fail to appear, the court may find that your child is neglected, uncared for or dependent.
- RIGHT TO COUNSEL:** If you wish an attorney but are unable to pay for one, upon proof of your inability to pay, the court will provide one for you. Any such request should be made immediately at the court office where your hearing is to be held.

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact the Deputy Director, Administrative Services, 529-9655.

RETURN OF SERVICE

STATE OF CONNECTICUT

_____ COUNTY ss. _____, Connecticut

On (date) _____ 20____ then and there I served the foregoing petition, order, and summons on _____ the person(s) named therein, by leaving with (cross out if abode) or at their usual place of abode of (cross out if in hand) the within named, a true and attested copy of the original petition, order, and summons.

Attest: _____
(Proper Officer)

STATE OF CONNECTICUT

_____ COUNTY ss. _____, Connecticut

On (date) _____ 20____ then and there I served the foregoing petition, order, and summons on _____ the person(s) named therein, by leaving with (cross out if abode) or at their usual place of abode of (cross out if in hand) the within named, a true and attested copy of the original petition, order, and summons.

Attest: _____

STATE OF CONNECTICUT

_____ COUNTY ss. _____, Connecticut

On (date) _____ 20____ then and there I served the foregoing petition, order, and summons on _____ the person(s) named therein, by leaving with (cross out if abode) or at their usual place of abode of (cross out if in hand) the within named, a true and attested copy of the original petition, order, and summons.

Attest: _____

SCHEDULE A

Addendum/Jurisdictional Facts

RE: Robin Parker DOB 7/01/1993

TO WIT:

- **The mother, Jane Andrews has a history of transience.**
- **The mother, Jane Andrews has a history of substance abuse.**

Susan I. Hamilton, MSW
Commissioner
Department of Children and Families

By: Alex Philpott
Duly Authorized Agent

SWORN TO AND SUBSCRIBED before me this 9/1 day of **2009**

Courtney Smith
Notary Public

10/05/2010
Expiration Date



DEPARTMENT of CHILDREN and FAMILIES
Making a Difference for Children, Families and Communities



Susan I. Hamilton, M.S.W., J.D.
Commissioner

M. Jodi Rell
Governor

Superior Court for Juvenile Matters at: 239 Whalley Avenue
New Haven, CT 06511

Date: September 1, 2009

**SUMMARY OF FACTS SUBSTANTIATING
ALLEGATIONS OF NEGLECT**

Mother: Jane Andrews
123 Main St., New Haven, CT 06511
273 James St., New Haven, CT 06511

Father (of Robin): Matt Parker
Whereabouts Unknown

Father (of Billy): Not Named

Minor Children: Billy Andrews, dob 7/07/92
Robin Parker, dob 7/01/93
123 Main St., New Haven, CT 06511
273 James St., New Haven, CT 06511

Others in Household: Henry Davis, dob 9/19/96
Jake Reynolds, dob 5/12/01
Joe Reynolds, dob 10/20/02
James Andrews, maternal uncle

STATE OF CONNECTICUT

Phone (203) 786-0500 - Fax (203) 786-0568
One Long Wharf, New Haven, Connecticut 06511
www.state.ct.us/DCF
An Equal Opportunity Employer

Reason for Petition Being Filed:

1. On 8/27/04, Wilbur Cross High School Nurse and Social Worker reported that mother medically neglected her eldest daughter, Kim Pinero. A hearing problem was detected. Mother did not secure follow-up testing between 10/04 and the date of referral. The case was not accepted by the Department of Children and Families (DCF), as mother later secured testing. The child was found to be deaf in one ear.

2. On 10/06/05, a referral was received from Wilbur Cross High School regarding Kim Pinero, who reported being beaten by Matt Parker while mother watched. The child had bruises on her right arm and face. The child alleges that she was also choked and punched in the chest. Abuse was confirmed by DCF. Mother denied that her boyfriend hit the child. She stated that she hit the child and justified it by saying that the child was disrespectful. The case was closed because her daughter went to live with an elder brother.

3. On 4/30/06, a referral from the nurse of Polly T. McCabe Center was received alleging that Kim cut herself on her right inner arm because of problems she was having with her mother regarding finances. Kim has two children of her own. At Risk was confirmed and the case was closed as the child refused to follow through with services. Mother did not make her comply.

4. On 10/04/07, a referral was received from Adult Probation, alleging that mother was "heavy into cocaine" and that the children were "filthy, not fed, and unsupervised." DCF did not confirm allegations regarding children or housing conditions.

5. On 2/10/08, a referral was received from Fair Haven Middle School and Yale New Haven Hospital regarding Henry Davis, Jane Andrews' nephew who was living with the family at the time. The social worker at the school reported that Henry was sexually abused by a stranger. Neglect was not confirmed by DCF, as the child was found to be out of mother's (Ms. Andrews') control.

6. On 4/25/08, a referral was received from Juvenile Court Probation Officer regarding Henry, reporting that Henry stays away from home because it is "dirty and overcrowded." Henry alleged that on a number of occasions, he had been sexually abused by any number of people staying at his house. Mother stated that Henry was out of control and she wanted him placed.

7. On 4/29/08, a notice was received from Juvenile Court Probation that Uncared For Petitions were filed regarding Henry.

8. On 6/10/08, Henry reported that Kim Pinero, his cousin, was released from prison, where she was incarcerated on assault and drug charges.

9. On 8/03/08, Mother admitted to a two-month heroin addiction.

10. On 10/23/08, contact with Fair Haven High School social worker Ana Martino reported that Billy was diagnosed with the disability of Educable Mental Retardation. He was transferred to Celentano School, where he was allegedly expelled for threatening a teacher. After expulsion, he was referred to ACES, where he went one day and then refused to return. Mother refused to meet with school personnel, and Billy was placed in the Homebound Program, where he had to meet his tutor at the Fair Haven High School Library. According to Billy and his mother, the tutor did not show. Ms. Martino referred Billy to DMR, where he was accepted for services.

11. On 12/16/08, telephone contact from Bill Hoikala of DMR revealed that he had written to the family, asking to be called. Family did not comply.

12. On 2/07/09, mother reported that Kim Pinero left to relocate in the South. She left her children in maternal grandmother's (Ms. Andrews') care, calling occasionally.

13. On 4/22/09, a telephone call was received from Irene Scallon, Yale New Haven Hospital social worker. Mother was reported to be non-compliant with taking her medication, resulting in repeated visits to the emergency room. She had her second admission for asthma.

14. On 4/26/09, mother admitted to not attending to the younger children's needs due to being overwhelmed with her son's and their father's drug problems, as well as her deteriorated relationship with their father.

15. On 4/28/09, a telephone call was received from Luisa Ortega, Parent Aide of the Coordinating Council for Children in Crisis (CCCC). Matt Parker, father of Robin, will be going into a drug treatment program and family will be relocated by the Housing Authority once the family comes in with part of the overdue rent. Relocation was being sought because Jake and Joe have lead paint poisoning, which they contracted from the current apartment.

16. On 5/15/09, this worker, along with Luisa Ortega, made a home visit to family. Mother, according to her brother, James Andrews, was again hospitalized for asthma. Henry was not home and had not returned to Waterford Country School, his placement for residential treatment. Jake and Joe Reynolds were home from school for no apparent reason. Billy was home and refused to return to ACES school because he did

not like it. He elaborated that he could not leave the apartment because he owed money for drugs and his life had been threatened. Mrs. Ortega reported that the family could face eviction because they owe four months' rent.

17. On 5/18/09, Henry still had not returned to Waterford Country School. A telephone call from Luisa Ortega, Parent Aide, found:

Ms. Andrews had until 4:00 p.m. to pay something on the rent.

Ms. Andrews' mother-in-law alleged all members of the household were abusing and selling drugs, except the two youngest children.

Ms. Andrews threatened to kill the children and herself if DCF attempted to remove the children.

18. On 5/23/09, a telephone call was received from Luisa Ortega, Parent Aide, reporting that family would be evicted that day. During a home visit on 5/20/08 with Will Sokala of DMR, Billy expressed that he wanted to go to a residential placement. According to Luisa Ortega, mother had sold the television and radio, and had no food in the house. Mrs. Ortega offered to assist in seeking shelter. Ms. Andrews refused.

19. A telephone call was made to Melinda Gutierrez of the Housing Authority. Family was in the process of being evicted.

20. On 6/06/09, a telephone call was received from Luisa Ortega, Parent Aide, who stated that paternal grandmother informed her that mother was arrested on that day and that the police transported Jake to her house. Billy, Robin, and Joe were reportedly at 273 James Street, where there is no heat, hot water, or food. Two DCF workers went to the address and found no one.

21. On 6/17/09, this worker went with a co-worker to 273 James Street, where they met James Andrews in front of the house. Mr. Andrews presented as intoxicated. He confirmed that the family was staying at the house, but they were not home. He stated that everyone was fine and that they had food. This worker informed him to have his sister contact this worker as soon as possible to discuss the fact that DCF will be filing neglect petitions.

22. On 6/27/09, a telephone call was received from Kim Pinero, mother of Jake and Joe Reynolds. This worker informed her that her sons were homeless and her mother had not sought shelter or contacted DCF, and that DCF was going to file petitions alleging neglect. She stated that her mother was abusive toward her and would not allow her to take her children. Her mother does not have legal guardianship. She asked if the children could live with her. This worker informed her that at this point, they could. She stated that she would come to pick up her children.

23. On 6/28/09, a telephone call was received from DHR, stating that the family's furniture is being auctioned. They still have not come in for shelter or emergency services.

24. On 7/04/09, a telephone call was received from DHR. Ms. Andrews had come in for emergency housing for herself, Billy, Robin, and James. She left before housing could be secured.

25. On 7/20/09, a telephone call was received from Detective Hackford of the New Haven Police Department and Mr. Alexander, Probation Officer. Sexual assault allegations had been made against Henry, and they were calling regarding addresses. Three possible addresses were given.

26. On 7/27/09, a telephone call was received from Luisa Ortega, Parent Aide, informing DCF that Billy was arrested on 7/20/09 and 7/21/09 for stealing automobiles. Mother came to the CCCC office on 7/22/09 and requested that both Henry and Billy be placed. She further reported that Joe and Jake would be returned to their mother. She stated that Matt Parker (father of Billy and Robin) was arrested and incarcerated somewhere in New Jersey. Mrs. Ortega referred Ms. Andrews to the APT Foundation for drug treatment.

27. On this same date, a telephone call was received from Mr. Alexander. He had no information on arrests. The police were unable to locate Henry due to mother being uncooperative.

28. On 8/13/09, Henry was arrested. This worker met with him in detention. He refused placement and expressed concern for his cousin, Billy, who has been stealing. Henry confirmed that Jake and Joe had returned.

29. On 8/20/09, contact with Fair Haven Middle School indicates that Henry had 26 absences, four occasions of tardiness, and a 12-day suspension last spring, which adds up to a total of 38 days out of classes.

Based upon all of the above-mentioned facts, this worker alleges that Ms. Jane Andrews is unable to provide a safe and stable environment for her children.

RECOMMENDATION

It is the recommendation of the Department of Children and Families that the Court grant commitment of the above named children to the Commissioner of the Department of Children and Families for a period of 12 months.

Reasonable Efforts:

Department of Children and Families Case Management Services
Coordinating Council for Children in Crisis for parent aide
Homebound Program for Billy's tutoring
APT Foundation for Ms. Andrews' substance abuse treatment

Submitted by: Alex Philipson Date: 9/1/09
Alex Philipson, Social Worker

Reviewed by: Vanessa Cesarz Date: 9/1/09
Vanessa Cesarz, MSW, Social Work Supervisor

Approved by: Leticia Washington Date: 9/1/09
Leticia Washington, MSW, Program Supervisor