SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

In the Matter of:

B.B.	**CASE NO.**	**2020 NEG 000178**
	SOCIAL FILE NO.	**2020 JSF 000678**
RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

MAGISTRATE JUDGE JANET ALBERT

NOTICE

Francisco Johnson, putative father of B.B., you are notified that a Neglect Trial has been scheduled for the above-listed Respondent.

YOU ARE HEREBY ORDERED TO APPEAR FOR A TRIAL scheduled on, **December 9, 2020 at 11:00 a.m.** before **Magistrate Judge Janet Albert.** You are required to attend this hearing. The hearing will be held **REMOTELY** in **Courtroom JM-10** of the D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C. Due to COVID-19, the hearing will occur remotely. **Please call 202-860-2110 and using the WebEx Meeting ID: 129 071 8189 and appear via telephone.**.

Please contact your court appointed attorney, **Colleen Martin,** at **(202) 302-1288**. Or, you may retain counsel to represent you in these proceedings.

Your failure to respond to this Notice can result in the Court proceeding without your presence. Unless you appear for the above trial, you may not receive notice of subsequent court action and proceedings in the case.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
500 INDIANA AVENUE, NW
WASHINGTON, D.C. 20001

SUMMONS AND ORDER DIRECTING APPEARANCE (NEGLECT)

SECTION I. IN THE MATTER OF: B.B.

Birthdate:	**Case Number:**	**Social File Number:**
6/27/2007	2020 NEG 178	2020 JSF 678

SECTION II. PERSON TO WHOM NOTICE IS TO BE SERVED: Unknown

TO: FRANCISCO JOHNSON | Last Known Address: UNKNOWN

YOU ARE HEREBY COMMANDED to appear in person on the date and at the time indicated below. Failure to appear as herein directed may result in the issuance of a warrant of arrest for contempt. Bring this notice with you and do not depart without leave of the court. YOU ARE TO REPORT:

TO: **Courtroom JM- 10 REMOTELY** **Please call 202-860-2110** Superior Court of the District of Columbia, 500 Indiana Avenue, N.W. **and use the WebEx Meeting ID: 129 071 8189 and appear via telephone.**.

On: **December 9, 2020 at 11:00 am** | For: **Neglect Trial**

SECTION III Notice: you have the right to be represented by an attorney in this matter. If you cannot afford to retain an attorney, the court will appoint one for you. Please apply at 500 Indiana Avenue N.W. Room 4416 at least ten 10 days before the hearing date above to execute the necessary forms.

Witness the honorable Chief Judge of the Superior Court of the District of Columbia and seal of said Court.

Clerk of the Superior Court of the District of Columbia

By: Deputy Clerk

SECTION IV FOR USE OF U.S. MARSHAL OR PROCESS SERVER

RETURN ON THIS SUMMONS IS REQUIRED ON OR BEFORE THIS DATE:

☐ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS". the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc. at the address inserted below.

Name and Title of Individual Served (If not shown above)

Address (Complete only if different than shown above)

☐ Individual served is a person of suitable age and discretion then abiding in the person summoned usual place of abode.

☐ I hereby certify and return that, after diligent inv investigation, I am unable to locate the individual, company, corporation, etc named above.

of ENDEAVOR (Use Remarks if necessary) of SERVICE:

REMARKS

Office of the U.S. Marshal, District of Columbia

Signature of U.S. Marshal Representative

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
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RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

MAGISTRATE JUDGE JANET ALBERT

ORDER

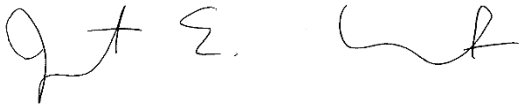
Upon consideration of the District of Columbia's Motion to Effectuate Constructive Service filed pursuant to Superior Court Neglect Rules 11(g)(1), 11(g)(3) and 11(i), any opposition, and for good cause having been shown,

It is this 24th day of November, 2020

ORDERED, that the motion is **GRANTED;** it is

FURTHER ORDERED, that constructive service on the respondent's putative fathers, Mr. Brown and Mr. Johnson, shall be made by posting notice in accordance with current court guidelines, for a period of two weeks.

SO ORDERED.



MAGISTRATE JUDGE JANET E. ALBERT

Copies to:

Pamela Roth, *Counsel for Mother*
Colleen Martin, *Counsel for Unknown Father*
Megan Conway, *GAL*
ChôNayse Sellers, *Assistant Attorney General*

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

IN THE MATTER OF

BRIANA BROWN	**CASE NO.**	**2020 NEG 178**
	SOCIAL FILE NO.	**2020 JSF 678**
RESPONDENT.	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

NEXT COURT DATE: November 10, 2020
MAGISTRATE JUDGE JANET ALBERT

DISTRICT'S MOTION TO EFFECTUATE CONSTRUCTIVE SERVICE ON PUTATIVE FATHERS

The District of Columbia, through its attorney, the Office of the Attorney General for the District of Columbia, and on behalf of the Child and Family Services Agency ("CFSA" or the "Agency"), respectfully requests that this Court, under Superior Court Rules of Neglect 11 (g)(3) and 11 (i) and D.C. Code Section 16-2306, permit constructive service on the putative fathers of the respondent by posting notice in accordance with current court guidelines, as a substitute for personal or substitute service.

FACTS AND PROCEDURAL HISTORY

On September 2, 2020, the District filed a neglect petition, alleging that the respondent is neglected, under D.C. Code § 16-2301(9)(A)(ii) and (iii). The respondent's biological mother is Paula Brown ("Ms. Brown"). On September 9, 2020, the court ordered a Biological Mother's Affidavit of Paternity to be filed within ten business days, or September 23, 2020. Ms. Brown filed her Affidavit of Paternity, on October 18, 2020. Ms. Brown identified Kenny Brown and Francisco Johnson as putative fathers for the respondent. There is no father listed on the respondent's birth certificate.

The District submitted to the Office of the Attorney General's Investigations unit, a diligent search packet for service on the putative fathers, Mr. Brown and Mr. Johnson. To date, Mr. Brown and Mr. Johnson have not been located and personal service has not occurred. The Diligent Search Investigator, James Lyles ("Investigator Lyles"), tried to locate the putative fathers, Mr. Brown and Mr. Johnson, but to no avail.

On November 4, 2020, the undersigned counsel filed Praecipes each with an attached Affidavit of Efforts, completed by Investigator Lyles, to locate and serve the respondent's putative fathers, Mr. Brown and Mr. Johnson. Those efforts for Mr. Brown included using available data of name information to search the D.C. Department of Corrections, Federal Bureau of Prisons, JUSTIS, Maryland Department of Corrections, Maryland Judiciary Case Search, and Vinelink databases. Inquiries to local Men's Homeless Shelters, area hospitals, the social worker, and Father's Counsel, did not produce a valid location for Mr. Brown. Those efforts for Mr. Johnson included using available data of name information to search the D.C. Department of Corrections, Federal Bureau of Prisons, JUSTIS, Maryland Department of Corrections, Vinelink database, and Accurint databases. Inquiries to local Men's Homeless Shelters, area hospitals, the social worker, and Father's Counsel, did not produce a valid location for Mr. Johnson.

LEGAL ARGUMENT

Superior Court Rule-Neglect 11(g)(3) provides that if a parent cannot be served because they cannot be located, the government may move the court to order constructive service on the missing parent. Superior Court Rule-Neglect 11(g)(3) permits service by such other notice as the judicial officer deems appropriate where personal and substitute service cannot be affected. The District of Columbia Court of Appeals has approved the posting of notice as sufficient service in circumstances where the parents cannot be located. *In Re E.S.N.*, 446 A. 2d 16 (D.C. 1982) (finding that constructive service was appropriate where diligent efforts to locate the father were unsuccessful).

D.C. Superior Court Rule of Civil Procedure 12-I provides that "[b]efore filing any motion...the moving party shall first ascertain whether the affected parties will consent to the relief sought." D.C. SCR-Civil Rule 12-I (2004)[1]. Undersigned counsel contacted counsel for the parties about the relief sought by the District. Both Mother and Father's counsel do not object to this request. The GAL consents.

WHEREFORE, the District respectfully requests that this Court grant its motion to serve constructively the putative fathers, Mr. Brown and Mr. Johnson, by posting notice in in accordance with current court guidelines for a period of two weeks. .

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ERIN CULLEN
Deputy Attorney General, Family Services Division

/s/
CHARMETRA PARKER, Bar No. 495835
Chief, Child Protection Section II

/s/
ChôNayse R. Sellers, Bar No. 1035574
Assistant Attorney General
Office of the Attorney General
200 I St., SE, 4th Floor
Washington, DC 20003
Office: (202) 727-7059
Fax: (202) 730-1475
ChoNayse.Sellers@dc.gov

[1] Neglect Rule 1 deems Superior Court Rule of Civil Procedure 12-I applicable to neglect proceedings. See D.C. SCR-Neglect Rule 1(b).

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

In the Matter of:

BRIANA BROWN	**CASE NO.**	**2020 NEG 178**
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RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

NEXT COURT DATE: November 10, 2020
MAGISTRATE JUDGE JANET ALBERT

POINTS AND AUTHORITIES

1. D.C. Code § 16-2301(9)(A)(ii) and (iii).
2. SCR-Neglect 11(g)(3).
3. SCR-Neglect 11(i).
4. In Re E.S.N., 446 A. 2d 16 (D.C. 1982).
5. The record here.
6. The inherent power of the Court.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ERIN CULLEN
Deputy Attorney General, Family Services Division

/s/
CHARMETRA PARKER, Bar No. 495835
Chief, Child Protection Section II

/s/
ChôNayse R. Sellers, Bar No. 1035574
Assistant Attorney General
Office of the Attorney General
200 I St., SE, 4th Floor
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Office: (202) 727-7059
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SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

In the Matter of:

BRIANA BROWN	**CASE NO.**	**2020 NEG 178**
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RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

NEXT COURT DATE: November 10, 2020
MAGISTRATE JUDGE JANET ALBERT

ORDER

Upon consideration of the District of Columbia's Motion to Effectuate Constructive Service filed pursuant to Superior Court Neglect Rules 11(g)(1), 11(g)(3) and 11(i), any opposition, and for good cause having been shown,

It is this _____day of _____, 2020

ORDERED, that the motion is **GRANTED;** it is also

ORDERED, that constructive service on the respondent's putative fathers, Mr. Brown and Mr. Johnson, shall be made by posting notice in accordance with current court guidelines, for a period of two weeks.

It is so **ORDERED.**

_____
MAGISTRATE JUDGE JANET E. ALBERT

Copies to:

Pamela Roth,
Counsel for Mother

Colleen Martin,
Counsel for Unknown Father

Megan Conway,
GAL

ChôNayse Sellers,
Assistant Attorney General

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

In the Matter of:

BRIANA BROWN	**CASE NO.**	**2020 NEG 178**
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RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

NEXT COURT DATE: November 10, 2020
MAGISTRATE JUDGE JANET ALBERT

NOTICE

Kenny Brown, putative father of B.B., you are notified that a Neglect Trial has been scheduled for the above-listed Respondent.

YOU ARE HEREBY ORDERED TO APPEAR FOR A TRIAL scheduled on, **December 7, 2020 at 10:00 a.m.** before **Magistrate Judge Janet Albert.** You are required to attend this trial. Trial will be held in **Courtroom JM-10** of the D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C. The nearest metro stop for the D.C. Superior Court is the Judiciary Square metro stop on the Red Line.

Please contact your court appointed attorney, **Colleen Martin,** at **(202) 302-1288**. Or, you may retain counsel to represent you in these proceedings.

Your failure to respond to this Notice can result in the Court proceeding without your presence. Unless you appear for the above trial, you may not receive notice of subsequent court action and proceedings in the case.

_____ /s/
Date ChôNayse R. Sellers
Assistant Attorney General, DC

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT—NEGLECT BRANCH

In the Matter of:

BRIANA BROWN	**CASE NO.**	**2020 NEG 178**
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RESPONDENT	**X-REF NO.**	**7509734**
	DATE OF BIRTH	**6/27/2007**

NEXT COURT DATE: November 10, 2020
MAGISTRATE JUDGE JANET ALBERT

NOTICE

Francisco Johnson, putative father of B.B., you are notified that a Neglect Trial has been scheduled for the above-listed Respondent.

YOU ARE HEREBY ORDERED TO APPEAR FOR A TRIAL scheduled on, **December 7, 2020 at 10:00 a.m.** before **Magistrate Judge Janet Albert.** You are required to attend this trial. Trial will be held in **Courtroom JM-10** of the D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C. The nearest metro stop for the D.C. Superior Court is the Judiciary Square metro stop on the Red Line.

Please contact your court appointed attorney, **Colleen Martin,** at **(202) 302-1288**. Or, you may retain counsel to represent you in these proceedings

Your failure to respond to this Notice can result in the Court proceeding without your presence. Unless you appear for the above trial, you may not receive notice of subsequent court action and proceedings in the case.

_____ /s/
Date ChôNayse R. Sellers
Assistant Attorney General, DC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November 2020, copies of the attached Government's Motion for Constructive Service on the unknown father and the accompanying memorandum of points, statement of authorities, proposed order, notice, and summons, was filed with the Court, with copies e-served on the following counsel of record:

Pamela Roth,
Counsel for Mother

Colleen Martin,
Counsel for Unknown Father

Megan Conway,
GAL

/s/
ChôNayse R. Sellers