

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

**In the Matter of:**

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

**MAGISTRATE JUDGE JANET ALBERT**

**AMENDED NOTICE**

**Eric Manley**, putative father of B.B., you are notified that a Status Hearing has been scheduled for the above-listed Respondent.

**YOU ARE HEREBY ORDERED TO APPEAR FOR A STATUS HEARING** scheduled on, **January 8, 2021 at 9:45 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)**

<b>SECTION I. IN THE MATTER OF: B.B.</b>		
<b>Birthdate:</b> 6/27/2007	<b>Case Number:</b> 2020 NEG 178	<b>Social File Number:</b> 2020 JSF 678
<b>SECTION II. PERSON TO WHOM NOTICE IS TO BE SERVED: Unknown</b>		
<b>TO: ERIC MANLEY</b>	Last Known Address: UNKNOWN	
<b>YOU ARE HEREBY COMMANDED</b> 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. <b>YOU ARE TO REPORT:</b>		
<b>TO: Courtroom JM- 10 REMOTELY <u>Please call 202-860-2110</u></b> Superior Court of the District of Columbia, 500 Indiana Avenue, N.W. <b>and use the WebEx Meeting ID: 129 071 8189 and appear via telephone.</b>		
<b>On: January 8, 2021 at 9:45 am</b>	<b>For: Neglect Status Hearing</b>	
<b>SECTION III</b> 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		
<b>SECTION IV FOR USE OF U.S. MARSHAL OR PROCESS SERVER</b>		
<b>RETURN ON THIS SUMMONS IS REQUIRED ON OR BEFORE THIS DATE:</b>		
<input type="checkbox"/> 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)		
<input type="checkbox"/> Individual served is a person of suitable age and discretion then abiding in the person summoned usual place of abode.		
<input type="checkbox"/> 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:		
<b>REMARKS</b>		
<b>Office of the U.S. Marshal, District of Columbia</b>		
<b>Signature of U.S. Marshal Representative</b>		

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<b>RESPONDENT</b>	<b>X-REF NO.</b>	<b>7509734</b>
	<b>DATE OF BIRTH</b>	<b>6/27/2007</b>

**MAGISTRATE JUDGE JANET ALBERT**

**ORDER**

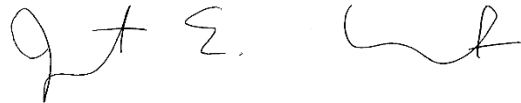
Upon consideration of the District of Columbia's Motion to Effectuate Constructive Service filed pursuant to Superior Court Neglect Rules 11(g)(1), 11(g)(3) and 11(i), any opposition, and for good cause having been shown,

It is this 9<sup>th</sup> day of December, 2020

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

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

**SO ORDERED.**



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**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  
RESPONDENT.**

**CASE NO. 2020 NEG 178  
SOCIAL FILE NO. 2020 JSF 678  
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”), moves this Honorable Court, under Superior Court Rules of Neglect 11 (g)(3) and 11 (i) and D.C. Code Section 16-2306, to permit constructive service on the putative father of the respondent by posting notice in accordance with current court guidelines, as a substitute for personal or substitute service. In support its motion, the District submits the attached memorandum.

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](mailto:ChoNayse.Sellers@dc.gov)

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

**IN THE MATTER OF**

**BRIANA BROWN  
RESPONDENT.**

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

**MAGISTRATE JUDGE JANET ALBERT**

**MEMORANDUM IN SUPPORT OF DISTRICT’S MOTION TO  
EFFECTUATE CONSTRUCTIVE SERVICE ON PUTATIVE FATHER**

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. 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, where she identified two individuals as possible fathers of the respondent.

In reviewing the legal history of this family, the District learned that Mr. Eric Manley filed a complaint for custody of the respondent, in 2007. Paternity was not established, and the case was later closed. The District informed this Court of Mr. Manley’s prior custody complaint and was instructed to make efforts to serve him in this matter. Ms. Brown continues to deny that Mr. Manley is the respondent’s father.

The District submitted to the Office of the Attorney General’s Investigations unit, a diligent search packet for service on the putative father, Mr. Manley. To date, Mr. Manley has not been located and personal service has not occurred. The Diligent Search Investigator, Darryl M. Colbert, made efforts to locate the putative father, Mr. Manley, but to no avail.

On November 12, 2020, the undersigned counsel submitted a Service Request to investigate in the above referenced case to locate and serve the respondent’s putative father, Mr. Manley. The Affidavit of Efforts completed by OAG Investigator Colbert to locate and serve the

putative father, Mr. Manley, was signed and sworn on December 1, 2020. Those efforts for Mr. Manley included using available data of name information, date of birth, and his address to search in D.C. Department of Corrections, Federal Bureau of Prisons, JUSTIS, Maryland Department of Corrections, Maryland Judiciary Case Search, Virginia Department of Corrections, CLEAR, Accurint, and VINELink databases. Inquiries to local Men's Homeless Shelters, area hospitals, the social worker, and numbers provided by the social worker, did not produce a valid location for Mr. Manley.

### **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)<sup>1</sup>. Undersigned counsel contacted counsel for the parties about the relief sought by the District. Mother’s counsel takes no position. Father’s counsel does not object to this request. The GAL consents.

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

Respectfully submitted,

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

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  
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[ChoNayse.Sellers@dc.gov](mailto:ChoNayse.Sellers@dc.gov)



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

**In the Matter of:**

**BRIANA BROWN  
RESPONDENT**

**CASE NO. 2020 NEG 178  
SOCIAL FILE NO. 2020 JSF 678  
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DATE OF BIRTH 6/27/2007**

**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  
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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
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**In the Matter of:**

**BRIANA BROWN**  
**RESPONDENT**

**CASE NO. 2020 NEG 178**  
**SOCIAL FILE NO. 2020 JSF 678**  
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**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 \_\_\_\_\_ day of \_\_\_\_\_, 2020

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

**ORDERED**, that constructive service on the respondent's putative father, Mr. Manley, 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:**

<b>B.B.</b>	<b>CASE NO.</b>	<b>2020 NEG 178</b>
	<b>SOCIAL FILE NO.</b>	<b>2020 JSF 678</b>
<b>RESPONDENT</b>	<b>X-REF NO.</b>	<b>7509734</b>
	<b>DATE OF BIRTH</b>	<b>6/27/2007</b>

**MAGISTRATE JUDGE JANET ALBERT**

**NOTICE**

**Eric Manley**, 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 24, 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
/s/  
ChôNayse R. Sellers  
Assistant Attorney General, DC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of December 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*

ChôNayse R. Sellers

\_\_\_\_\_  
/s/