

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT**

IN THE MATTER OF

PHILANA ELEBY

**CASE NO. 2021 NEG 248
SOCIAL FILE NO. 2015 JSF 364
XREF NO. 6093179
DATE OF BIRTH 04/24/2008**

RESPONDENT.

**NEXT COURT DATE: 12/6/2022
MAGISTRATE JUDGE JANET ALBERT**

NOTICE

ANTWAN WILLIAMS, you are notified that the District of Columbia filed a neglect petition in the above-captioned matter, and you were named as the father of the child. The matter is set for a hearing on the following dates, before Magistrate Judge Janet Albert:

Permanency Hearing	December 6, 2022	10:00 am
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Because of the ongoing pandemic, the Family Court hearings take place through WebEx. Please use the following link to access the virtual courtroom: <https://dccourts.webex.com/meet/ctbjm10>

You have the right to be represented by an attorney at these proceedings. The Court appointed the attorney listed below to represent you. Please contact your attorney immediately. If you do not enter your appearance on or before the trial, the Court will proceed in your absence, and any orders or findings of the Court will become final. If you have any questions about your representation, you can contact the Office of Counsel for Child Abuse and Neglect at (202) 879-1406. Questions about the child should be directed to the Child and Family Services Agency social worker, Toya Buchanan, (202) 321-2668.

Brittany Pereira	(202) 540-0387	brittanyapereira@gmail.com
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**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: P.E.		
Birthdate: 04/24/2008	Case Number: 2021 NEG 248	Social File Number: 2015 JSF 364
SECTION II. PERSON TO WHOM NOTICE IS TO BE SERVED: Putative Father		
TO: ANTWAN WILLIAMS	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 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 6, 2022 at 10:00 am	For: Permanency Hearing	
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:		
<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 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
FAMILY COURT**

IN THE MATTER OF

PHILANA ELEBY

**CASE NO. 2021 NEG 248
SOCIAL FILE NO. 2015 JSF 364
XREF NO. 6093179
DATE OF BIRTH 04/24/2008**

RESPONDENT.

**NEXT COURT DATE: 08/02/2022
MAGISTRATE JUDGE JANET ALBERT**

**DISTRICT OF COLUMBIA’S MOTION FOR AN ORDER
AUTHORIZING CONSTRUCTIVE SERVICE BY POSTING**

The District of Columbia, through its attorney, the Office of the Attorney General, on behalf of Child and Family Services Agency (“CFSA”), respectfully requests that this Court authorize constructive service on Antwan Williams as an alternative to personal or substitute service as authorized by D.C. Superior Court Neglect Rule 11. Undersigned counsel contacted counsel for all parties for their positions on the District’s request. Both the GAL and father’s counsel take no position on this motion. Mother’s counsel has not provided their position.

In support of this motion, the District refers this Court to the attached Memorandum of Points and Authorities.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ERIN CULLEN
Deputy Attorney General, Family Services Division

_____/s/_____
JACLYN BOLDEN, Bar No. 888273512
Assistant Deputy Attorney General,
Family Services Division

/s/

Chônayse R. Sellers, Bar No. 1035574

Assistant Attorney
General Office of the
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200 I Street, 4th Floor

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20003

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Chonayse_sellers@dc.gov

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT**

IN THE MATTER OF

PHILANA ELEBY

CASE NO.	2021 NEG 248
SOCIAL FILE NO.	2015 JSF 364
XREF NO.	6093179
DATE OF BIRTH	04/24/2008

RESPONDENT.

**NEXT COURT DATE: 08/02/2022
MAGISTRATE JUDGE JANET ALBERT**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THE DISTRICT OF COLUMBIA’S MOTION FOR AN ORDER AUTHORIZING
CONSTRUCTIVE SERVICE BY POSTING**

CFSA removed Philana Eleby from the care of her mother in November 2021. In November 2021, the District petitioned this case, alleging that Philana Eleby is a neglected child under D.C. Code § 16-2301(9)(A)(ii) and (iv). The Court held an initial hearing on November 2021 and placed Philana in shelter care. In December 2021, Ms. Eleby stipulated to the neglect and the Court committed Philana to CFSA.

In November 2021, Ms. Eleby provided the name Antwan Williams as the possible father of Philana to the assigned family’s social worker. Ms. Eleby provided no additional identifiable information. In December 2021, the District submitted to the Office of the Attorney General’s Investigations Unit, a diligent search packet for service on Mr. Antwan Williams. In December 2021, Antawan Williams was personally served. In March 2022, Mr. Antawan Williams appeared in Court and denied knowing the Eleby family. Ms. Eleby affirmed that the Antawan Williams that was served was not Antwan Williams who she believes to be the father of Philana. Ms. Eleby provided the Court with a name and phone number of Mr. Antwan Williams’ brother to help locate the correct individual.

On April 4, 2022, the District submitted to the Office of the Attorney General’s Investigations

Unit, another diligent search packet for service on Mr. Williams using the new information provided by Ms. Eleby. Investigator Myers contacted Mr. Williams' family members, but the family members refused to help the investigator locate him. To date, Mr. Williams has not been located and personal service has not occurred. See May 3, 2022 Affidavit of Efforts, filed on May 3, 2022.

In a neglect proceeding, the District is required to serve the child's parent with a summons and copy of the petition before the fact-finding hearing. D.C. Code § 16-2306(a); Super. Ct. Neg. R. 11(a). When the District is unable to effect personal or substitute service, the Court may authorize constructive service by other means the Court "deems appropriate." Super. Ct. Neg. R. 11(g)(3). The District cannot effect personal or substitute service on Antwan Williams because his current dwelling or residence is unknown to the District, and he cannot be located, despite diligent efforts. Service by posting is therefore warranted. *In re E.S.N.*, 446 A.2d 16 (D.C. 1982) (finding that constructive service by posting was appropriate where diligent efforts to locate the father were unsuccessful).

Accordingly, the District requests that this Court order constructive service on Antwan Williams by posting notice on the Superior Court for the District of Columbia's website for two weeks.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ERIN CULLEN
Deputy Attorney General, Family Services Division

_____/s/_____
JACLYN BOLDEN, Bar No. 888273512
Assistant Deputy Attorney General,
Family Services Division

/s/

ChôNayse R. Sellers, Bar No.
1035574

Assistant Attorney
General Office of the
Attorney General
200 I Street, 4th Floor
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ChôNayse.Sellers@dc.gov

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XREF NO. 6093179
DATE OF BIRTH 04/24/2008**

RESPONDENT.

**NEXT COURT DATE: 08/02/2022
MAGISTRATE JUDGE JANET ALBERT**

ORDER

Upon consideration of the District Of Columbia's Motion For An Order Authorizing Constructive Service By Posting, any opposition , and good cause having been shown,

It is this ____ day of _____,

ORDERED, that the District's Motion is **GRANTED**; and it is also

ORDERED, that the District is authorized to serve Antwan Williams by posting notice on the Superior Court for the District of Columbia's website for a period of 14 days, starting from the date of this order.

Magistrate Judge Janet Albert

Copies to:

ChôNayse Sellers, AAG
Kylie Marcus, *GAL*
Andrew Murnane, Counsel for Mother
Brittany Pereira, Counsel for Father

Certificate of Service

I certify that on July 21, 2022, the District served this motion through this Court's electronic filing system to:

Kylie Marcus, *GAL*
Andrew Murnane, Counsel for Mother
Brittany Pereira, Counsel for Father

ChôNayse Sellers

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Family Court

PETITION

To the Family Court
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

In the Matter of:

Child's Name: Philana Eleby		Address: 4043 Clay Place, NE Washington, DC 20019
Date of Birth: 04/24/2008	N#: 2021 NEG 248 SF: 2015 JSF 364	
Child's Present location: Shelter Care		
Date of Removal: November 15, 2021 at 4:00 p.m.		

It is respectfully represented unto the Court by your Petitioner:

Carolyn Austin, In-home Social Worker, Child and Family Services Agency

that the child is within the jurisdiction of this Family Court and that the name(s) and residence(s) of the parents/guardian or nearest relative of said child is/are as follows:

Name and Relationship: Tameka Eleby, Mother (DOB: 06/23/1985)	Address: 4043 Clay Place, NE Washington, DC 20019
Name and Relationship: Unknown, Father (DOB: Unknown)	Address: Unknown

AND IT IS FURTHER REPRESENTED BY PETITIONER THAT SAID CHILD IS NEGLECTED IN THAT THE CHILD IS A CHILD:

(ii) who is without proper parental care or control, subsistence, education as required by law, or other care necessary for his or her physical, mental or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian; and

(iv) whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care.

The respondent, Philana Eleby (DOB: 04/24/08), is a thirteen-year-old female child. Before the removal, Philana resided with her mother, Tameka Eleby (DOB: 06/23/85), at 4043 Clay Place, NE,

Washington, DC 20019. Ms. Eleby has four other children, Cornell Antwaune Mason Jr. (DOB:11/12/12), Corvell Antonio Eleby (DOB: 01/21/17), Angel Eleby (DOB 5/1/14), and China Eleby (DOB: 07/24/21). Cornell, Corvell, and Angel live in the home with Ms. Eleby. China is currently at the Hospital for Sick Children due to feeding issues. Ms. Eleby has named Phillip Humphrey (DOB: 07/08/1975) and Antwan Williams (DOB: unknown) as Philana's father, though paternity has not been established. Mr. Humphrey was charged with voluntary manslaughter while armed, 2020 CF1 4042, and is currently in the High Intensity Supervision Program. Reportedly, Philana is an ear-witness and Ms. Eleby is an eyewitness to the alleged crime, and Mr. Humphrey was ordered to stay away from them. The case is set for a status hearing on November 19, 2021. Despite conducting a diligent search, the Child and Family Services Agency ("CFSA") has been unable to locate Mr. Williams. CFSA previously removed Philana from her mother's care in 2015 due to physical abuse, 2015 NEG 050. Philana reunified with her mother and the neglect case closed on July 18, 2018.

On August 28, 2021, CFSA received a hotline report about Philana and her mother. The caller stated that Philana reported Ms. Eleby punched her in the face while intoxicated. The caller reported that they could hear Ms. Eleby saying, "I'm going to fuck you up," while on the phone with Philana and trying to open the bathroom door where Philana was located. The caller reported that Philana is diagnosed with depression and anxiety and that Ms. Eleby has severe mental health issues. CFSA substantiated Ms. Eleby for physical abuse and opened an in-home case on October 1, 2021. Ms. Eleby arranged for Philana to reside with a family friend, Jasmine Rawlings, until CFSA could hold an at-risk family team meeting ("FTM") for the family. The FTM occurred on October 25. Ms. Eleby reported that she was willing for Philana to return to her care at that time, but Philana refused. As such, Philana continued residing with Ms. Rawlings.

CFSA in-home social worker, Carolyn Austin, reports that she was assigned to the family's case in October 2021. Ms. Austin reports that Philana has mental health issues and behavioral concerns and is receiving services from Hillcrest Children and Family Center and The Healthy Place, though she has not been consistent. Philana is prescribed Risperdol and Prozac but is not currently taking them. Philana is currently enrolled at McKinley Technology High School and often skips classes and engages in fights. On October 29, Philana reportedly fought a student and stomped on his head, causing him to develop a concussion. She was suspended for five days. Ms. Eleby is diagnosed with bipolar, depression, and seizures and is working to connect to a core services agency for services. Philana and Ms. Eleby have a strained relationship, and as Philana's disruptive behaviors increased during the in-home case, Ms. Eleby became unwilling to resume care of her.

Ms. Rawlings planned to return Philana to her mother's home on November 9 because Philana was fighting Ms. Rawlings's children. Before returning to the home, Philana called Ms. Eleby and threatened to beat her up and throw a brick in her face. Philana told Ms. Eleby that she wished Ms. Eleby would die. As a result, Ms. Eleby was unwilling to allow Philana to return to her home and said she wanted CFSA to place her in a residential treatment facility. Ms. Rawlings kept Philana in her home until November 15. Philana continued behaving aggressively toward her children so Ms. Rawlings arranged for them to stay with other family members. On November 15, Ms. Rawlings brought her to CFSA because Ms. Eleby would not allow her to return to the home. No other family members are willing to care for Philana and Mr. Williams's whereabouts remain unknown to CFSA.

The government submits that the above-stated allegations of neglect are not due to a lack of financial means. The child comes within the jurisdiction of the Court pursuant to D.C. Code § 16-2301(9)(A) (ii) and (iv).

WHEREFORE, your petitioner prays the Court hear the matter herein set forth and determine whether said child should be dealt pursuant to the applicable sections of the District of Columbia Code, as amended by PUBLIC LAW 91-358, July 29, 1970; and that the Division enter such judgment and order as it deems will best serve the child's welfare and the best interests of the public.

Nov 16, 2021

Date

Carolyn Austin, LGSW

Carolyn Austin, LGSW (Nov 16, 2021 13:35 EST)

Signature of Petitioner

DISTRICT OF COLUMBIA, ss:

The above named petitioner being duly sworn, upon oath states that he/she has read the foregoing petition and knows the contents thereof, that the facts contained therein are true to the best of his/her knowledge and belief.

Carolyn Austin, LGSW

Carolyn Austin, LGSW (Nov 16, 2021 13:35 EST)

Signature of Petitioner

Subscribed and sworn to before me 16th day of November, 2021.

By

Emily Petrino

Emily Petrino
Assistant Attorney General
(202) 409-2808

Alice Stevens

Alice Stevens, Supervisory Attorney

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT**

IN THE MATTER OF

PHILANA ELEBY

**CASE NO. 2021 NEG 248
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DATE OF BIRTH 04/24/2008**

RESPONDENT.

**NEXT COURT DATE: 08/02/2022
MAGISTRATE JUDGE JANET ALBERT**

ORDER

Upon consideration of the District Of Columbia's Motion For An Order Authorizing Constructive Service By Posting, any opposition , and good cause having been shown,

It is this 4th day of August, 2022,

ORDERED, that the District's Motion is **GRANTED**; and it is also

ORDERED, that the District is authorized to serve Antwan Williams by posting notice on the Superior Court for the District of Columbia's website for a period of 14 days, starting from the date of this order.



Magistrate Judge Janet Albert

Copies to:

ChôNayse Sellers, AAG
Kylie Marcus, *GAL*
Andrew Murnane, Counsel for Mother
Brittany Pereira, Counsel for Father