

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

IN THE MATTER OF:

BERNAL METIVIER BETERMI	CASE NO.	2021 NEG 268
	SOCIAL FILE NO.	2021 JSF 255
	XREF NO.	763454
	DATE OF BIRTH	11/04/2008

RESPONDENT.

NEXT COURT DATE 2/8/22
MAGISTRATE JUDGE JANET ALBERT

NOTICE

Bernardo Desmay, you are hereby 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 Albert:

Pretrial	February 8, 2022	2:00 p.m.
Trial	March 10, 2022	1:00 p.m.
	March 11, 2022	11:00 a.m.

Due to the ongoing pandemic, the Family Court hearings take place via 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 regarding your representation, you can contact the Office of Counsel for Child Abuse and Neglect at (202) 879-1406. Questions regarding the child should be directed to the Child and Family Services Agency social worker, Brenda Cueva, 240-676-0825

Sonali Khadilkar	202-643-4171	sonali@khadilkarlaw.com
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**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
JUZGADO DE FAMILIA**

EN LA CAUSA:

BERNAL METIVIER BETERMI	N.º DE CASO:	2021 NEG 268
	N.º DE EXPEDIENTE SOCIAL:	2021 JSF 255
	N.º DE REFERENCIA EXT.	763454
	FECHA DE NACIMIENTO	11/04/2008

DEMANDADO.

**FECHA DE LA PRÓXIMA
CITACIÓN** 2/8/22
MAGISTRADA JANET ALBERT

AVISO

Bernardo Desmay, por el presente se le notifica que el Distrito de Columbia presentó una petición por negligencia en el asunto arriba mencionado y que usted fue nombrado padre del menor.

Se programará una audiencia para la causa en las siguientes fechas, ante la magistrada Albert:

Antes del juicio	8 de febrero de 2022	2:00 p.m.
Juicio	10 de marzo de 2022	1:00 p.m.
	11 de marzo de 2022	11:00 a.m.

Debido a la pandemia en curso, las audiencias del Juzgado de Familia se llevan a cabo a través de WebEx. Utilice el siguiente enlace para acceder a la sala de audiencia virtual:
<https://dccourts.webex.com/meet/ctbjm10>.

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para Niños y Familias, Brenda Cueva, al 240-676-0825

Sonali Khadilkar	202-643-4171	sonali@khadilkarlaw.com
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BERNAL METIVIER BETERMI

CASE NO.

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RESPONDENT.

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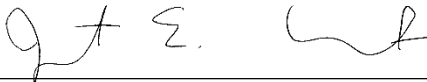
ORDER

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

It is this 12th day of January, hereby

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

FURTHER ORDERED, that the District is authorized to serve Bernardo Desmay 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 E. Albert

Copies to:

Rebecca Sokol, AAG
Sonali Khadilkar, Father's Counsel
Murphy Henry, Mother's Counsel
Feweh Demster, GAL

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Family Court**

**Filed
D.C. Superior Court
12/02/2021 13:40PM
Clerk of the Court**

PETITION

To the Family Court
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

In the Matter of:

Child's Name: BERNAL METIVIER-BETERMI		Address: 907 MISSOURI AVENUE, NW, APT 3 WASHINGTON, DC 20011
Date of Birth: 04/11/2008	SF: 2021 JSF 255 N#: 2021 NEG 268	
Child's Present location: SHELTER CARE		
Date of Removal: November 30, 2021		

It is respectfully represented unto the Court by your Petitioner:

JASMINE HOCKADAY, CHILD AND FAMILY SERVICES AGENCY SOCIAL WORKER

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 the child is/are:

Name and Relationship: JOHANNA METIVIER-BETERMI, MOTHER DOB: 02/27/1988	Last Known Address: 907 MISSOURI AVENUE, NW, APT 3 WASHINGTON, DC 20011
Name and Relationship: LEGAL PATERNITY NOT VERIFIED	Last Known Address: UNKNOWN

AND IT IS ALSO REPRESENTED BY PETITIONER THAT THE 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;

(iii) whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(v) who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;

The respondent, Bernal Metivier-Betermi, is a thirteen-year-old male child, born on April 11, 2008. Prior to petitioning this case, the respondent resided with his mother, Johanna Metivier-Betermi, and three siblings, Joshua Medina (DOB: 8/15/2015), Maybelline Herrera (DOB: 10/25/2011), and Sky Medina Metivier (DOB: 7/27/2018), in the District of Columbia. Ms. Metivier-Betermi identified the respondent's father as Mr. Bernardo Desmay. He

resides in the Dominican Republic and is not involved. The District does not have a copy of the respondent's birth certificate and has not obtained a document that adjudicates paternity. Paternity therefore remains unverified.

The family has extensive history with the Child and Family Services Agency ("CFSA"), beginning in 2010, for allegations of substance use, inadequate supervision, and exposure to domestic violence. In 2019, Ms. Metivier-Betermi came to CFSA's attention when Mr. Oliver Medina-Salazar, the father of Joshua and Sky, passed away from an overdose in the presence of the children. Reportedly, Ms. Metivier-Betermi was using drugs with Mr. Medina-Salazar at the time of his overdose and afterwards was hospitalized overnight for suicidal ideations. CFSA substantiated Ms. Metivier-Betermi for neglect-substance use by a caregiver. As a result, an in-home case was opened and remained open at the time of the removal.

The in-home social worker, Mr. Alexander Goodwill, has noticed a deterioration of Ms. Metivier-Betermi over the last six months. In spring 2021, La Clinica del Pueblo, a substance abuse treatment program, discharged Ms. Metivier-Betermi for non-compliance. La Clinica del Pueblo strongly recommended that Ms. Metivier-Betermi enter an inpatient program to address her chronic alcoholism and cocaine addiction. At first, Ms. Metivier-Betermi recognized that she needed that level of intervention, but then decided against going into inpatient treatment, using the pretext of having no one to care for her children while she was away. Instead, Ms. Metivier-Betermi connected with Volunteers of America, an outpatient treatment program, for substance abuse and mental health services. Despite, being connected to this core service agency, concerns around Ms. Metivier-Betermi's substance use and mental health remain.

Most recently, the family came to CFSA's attention on November 30, 2021, when a mandated reporter called the hotline to report that Joshua disclosed that Ms. Metivier-Betermi burned his right hand on the stove, because he took a KitKat. Joshua missed the entire week of school last week and did not go to school on Monday, November 29, 2021, because his hand hurt so bad that he was unable to sleep. Joshua also reported that he was hungry and has not been eating. The reporter observed scabs and open skin on Joshua's right hand. The reporter stated that it appeared as though Joshua's hand was burned on one side and then flipped over and burned on the other. The inner parts of Joshua's index finger and thumb were also burned. Joshua told the reporter that his current level of pain was a "10".

CFSA assigned investigating social worker, Jasmine Hockaday, to investigate the allegations in the report. On November 30, 2021, Ms. Hockaday met with Ms. Metivier-Betermi. Ms. Metivier-Betermi appeared to be under the influence because she was observed fidgeting and laughing at inappropriate times. Ms. Metivier-Betermi reported that she keeps chocolates in the refrigerator for her "witch doctor". She stated she disciplined Joshua for eating all the chocolates. Ms. Metivier-Betermi also expressed that she does not want Joshua to be a thief and she told him that if he is a thief then the police (whom she referred to as "dogs"), will come and kill him. Ms. Metivier-Betermi stated that she wanted to "teach Joshua a lesson" about not stealing and so she grabbed his hand and placed it into hot water on the stove. She stated that she later put "cream" on the burn and expressed that she did not feel the burn was serious enough to require medical attention.

Ms. Metivier-Betermi reported that her other children do not give her any trouble, but Joshua has "issues", and a history of stealing and saying he wants to kill himself and others. She stated that she used to discipline Joshua by making him take cold showers, but she no longer uses this method, because someone told her to stop. Ms. Metivier-Betermi reported that she now disciplines Joshua by making him sit on his knees for six minutes.

Ms. Metivier-Betermi disclosed that she is diagnosed with depression and takes mirtazapine to treat it. She also disclosed that she has a history of using alcohol and cocaine. She reported that she is enrolled in a substance abuse program, Volunteers of America, and has been sober for two weeks. Ms. Metivier-Betermi only admitted to a diagnosis of depression, but upon information and belief, she has also been diagnosed with adjustment disorder and acute stress disorder. Upon information and belief, she has a history of three suicide attempts. Upon information and belief, Ms. Metivier-Betermi is prescribed sertraline and trazadone, but she is not medication complaint.

On November 30, 2021, Ms. Hockaday, met with Child and Adolescent Protection Center doctor, Dr. Adrienne Artis, who conducted the comprehensive examination of Joshua. Dr. Artis reported that Joshua disclosed that he got in trouble with Ms. Metivier-Betermi for eating too much candy and she grabbed his hand and placed it on the stove. Dr. Artis was unable to confirm whether the burn was intentional or unintentional, however, she stated that Joshua was very adamant and clear Ms. Metivier-Betermi burned his hand intentionally. Dr. Artis also reported that Joshua would need to be seen at the Children's National Hospital Burn Center on December 1, 2021, to have the burn further assessed. She expressed concern that the burn was near a nerve and if it was not treated properly, Joshua might have long term issues with his hand. Dr. Artis and Ms. Hockaday observed an old mark on Joshua's head. Joshua was unable to say how he obtained the mark. Additionally, Dr. Artis reported that Joshua needed to be seen by a dentist, because he had significant tooth decay.

On November 30, 2021, Ms. Hockaday assessed and observed Joshua. He reported that he got in trouble for eating a lot of candy and Ms. Metivier-Betermi grabbed his hand and placed it on the hot stove. He described the stove as "black and white, has four black circles, and fire comes from it." Joshua also disclosed that Ms. Metivier-Betermi tried to place his other hand on the stove, but could not do so, because he ran and hid under his brother's bed. Joshua stated that he began to cry, and Ms. Metivier-Betermi eventually put a bandage on his injury.

On the same day, Ms. Hockaday assessed and observed Maybelline at her school. Maybelline presented as very nervous. She gave various accounts of what happened to Joshua. Maybelline reported that she did not know how Joshua obtained his burn, but thought that he accidentally burned himself when he was reaching for something on the stove. She denied witnessing Joshua getting burned and stated she was in her room. Maybelline first stated that Ms. Metivier-Betermi was inside her bedroom sleeping, but later said that Ms. Metivier-Betermi was inside her bedroom watching TV. Maybelline reported that she left her room and observed Joshua on the floor crying. She told Ms. Metivier-Betermi and Ms. Metivier-Betermi then bandaged Joshua's hand. Ms. Hockaday observed no visible injuries on Maybelline.

Ms. Hockaday then assessed and observed Bernall at his home. Bernall presented as slightly withdrawn and emotional. He was observed to be crying. When Ms. Hockaday asked him about what happened to Joshua, he stated, "she did it." He continued to report that he witnessed Ms. Metivier-Betermi grab Joshua's hand and place it in a pot of hot water. He expressed that the incident happened recently, and he believed it occurred after Thanksgiving, but he was unable to provide more details. Ms. Hockaday observed no visible injuries on Bernall.

Ms. Hockaday then assessed and observed Sky. Sky was unable to be interviewed due to her age and stage of development. Ms. Hockaday observed no visible injuries on Sky.

Ms. Metivier-Betermi was arrested and charged with second degree cruelty to children under case number 2021 CF1 006827. Upon information and belief, a stay away order has been issued and Ms. Metivier-Betermi is ordered to stay away from all of her children.

The District submits that the above allegations are unrelated to the financial means of the parents.

The child comes within the jurisdiction of the Court under D.C. Code 16-2301(9)(A)(ii), (iii), and (v).

WHEREFORE, your petitioner prays the Court hear the matter here set forth and determine whether the child should be dealt under 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 finds will best serve the child's welfare and the best interests of the public.

Dec 2, 2021

Date

Jasmine Hockaday, LGSW

Jasmine Hockaday, LGSW (Dec 2, 2021 11:58 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 of it, that the facts there are true to the best of his/her knowledge and belief.

Jasmine Hockaday, LGSW
Jasmine Hockaday, LGSW (Case 2, 2021 11:08 EST)

Signature of Petitioner

Subscribed and sworn to before me this **2nd** day of **December, 2021**.

By *Rebecca Sokol*

Rebecca P. Sokol
Assistant Attorney General
(202) 276-3094

Jaclyn Bolden

Supervisory Attorney









2021.12.03 B.Medina Petition

Final Audit Report

2021-12-02

Created:	2021-12-02
By:	Rebecca Kohn (rebecca.sokol@dc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5xopXCOqe-1fHi40qGjLiz3WIXHRvPQI

"2021.12.03 B.Medina Petition" History

-  Document created by Rebecca Kohn (rebecca.sokol@dc.gov)
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-  Document emailed to Jasmine Hockaday, LGSW (jasmine.hockaday1@dc.gov) for signature
2021-12-02 - 4:33:27 PM GMT
-  Email viewed by Jasmine Hockaday, LGSW (jasmine.hockaday1@dc.gov)
2021-12-02 - 4:35:44 PM GMT- IP address: 74.96.95.38
-  Document e-signed by Jasmine Hockaday, LGSW (jasmine.hockaday1@dc.gov)
Signature Date: 2021-12-02 - 4:36:12 PM GMT - Time Source: server- IP address: 74.96.95.38
-  Document emailed to Jaclyn Bolden (jaclyn.bolden@dc.gov) for signature
2021-12-02 - 4:36:15 PM GMT
-  Email viewed by Jaclyn Bolden (jaclyn.bolden@dc.gov)
2021-12-02 - 4:36:32 PM GMT- IP address: 164.82.32.13
-  Document e-signed by Jaclyn Bolden (jaclyn.bolden@dc.gov)
Signature Date: 2021-12-02 - 4:37:01 PM GMT - Time Source: server- IP address: 164.82.32.13
-  Agreement completed.
2021-12-02 - 4:37:01 PM GMT

200 I Street, S.E., 4th Floor
Washington, D.C. 20003
Mobile: (202) 276-3094
Fax: (202) 741-8817
Rebecca.Sokol@dc.gov

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

IN THE MATTER OF:

BERNAL METIVIER BETERMI	CASE NO.	2021 NEG 268
	SOCIAL FILE NO.	2021 JSF 255
	XREF NO.	763454
	DATE OF BIRTH	11/04/2008

RESPONDENT.

NEXT COURT DATE	2/8/22
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 Bernal Metivier Betermi from the care of his mother in December 2021. In December 2021, the District petitioned this case, alleging that the respondent is a neglected child under D.C. Code § 16-2301(9)(A)(ii), (iii), and (v). The Court held an initial hearing on December 3, 2021 and placed the respondent in shelter care. The neglect trial is scheduled on March 10, 2022, at 1:00 p.m. and March 11, 2022, at 11:00 a.m.

The mother named Bernardo Desmay as the father of the respondent. CFSA was not provided with a date of birth or phone number. CFSA located a potential last known address for Mr. Desmay, but no one answered the door at that location. CFSA was then informed that Mr. Desmay lives in the Dominican Republic, but no additional information was given. Based on the limited information provided, Mr. Desmay was unable to be located. See December 29, 2021, Affidavit of Efforts (attached).

In a neglect proceeding, the District is required to serve the child's parent with a summons and copy of the petition prior to 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 Bernardo Desmay 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 Bernardo Desmay 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
Chief, Child Protection Section III

January 3, 2022
DATE

_____/s/_____
REBECCA SOKOL, Bar No. 1046282
Assistant Attorney General
Office of the Attorney General
200 I Street, S.E., 4th Floor
Washington, D.C. 20003
Mobile: (202) 276-3094
Fax: (202) 741-8817
Rebecca.Sokol@dc.gov

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

IN THE MATTER OF:

BERNAL METIVIER BETERMI	CASE NO.	2021 NEG 268
	SOCIAL FILE NO.	2021 JSF 255
	XREF NO.	763454
	DATE OF BIRTH	11/04/2008

RESPONDENT.

**NEXT COURT DATE 2/8/22
MAGISTRATE JUDGE JANET ALBERT**

ORDER

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

It is this ____ day of _____, hereby

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

FURTHER ORDERED, that the District is authorized to served Bernardo Desmay 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

Copies to:

Rebecca Sokol, AAG
Sonali Khadilkar, Father's Counsel
Murphy Henry, Mother's Counsel
Feweh Demster, GAL

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

IN THE MATTER OF:

BERNAL METIVIER BETERMI	CASE NO.	2021 NEG 268
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Sonali Khadilkar	202-643-4171	sonali@khadilkarlaw.com
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**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
JUZGADO DE FAMILIA**

EN LA CAUSA:

BERNAL METIVIER BETERMI	N.º DE CASO:	2021 NEG 268
	N.º DE EXPEDIENTE SOCIAL:	2021 JSF 255
	N.º DE REFERENCIA EXT.	763454
	FECHA DE NACIMIENTO	11/04/2008

DEMANDADO.

**FECHA DE LA PRÓXIMA
CITACIÓN** 2/8/22
MAGISTRADA JANET ALBERT

AVISO

Bernardo Desmay, por el presente se le notifica que el Distrito de Columbia presentó una petición por negligencia en el asunto arriba mencionado y que usted fue nombrado padre del menor.

Se programará una audiencia para la causa en las siguientes fechas, ante la magistrada Albert:

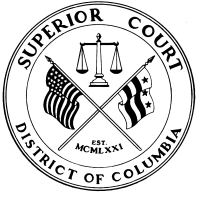
Antes del juicio	8 de febrero de 2022	2:00 p.m.
Juicio	10 de marzo de 2022	1:00 p.m.
	11 de marzo de 2022	11:00 a.m.

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para Niños y Familias, Brenda Cueva, al 240-676-0825

Sonali Khadilkar	202-643-4171	sonali@khadilkarlaw.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: B.M-B (CHILD'S INITIALS)		
Birthdate: 04/11/2008	Case Number: 2021 NEG 268	Social File Number: 2021 JSF 255
SECTION II. PERSON TO WHOM NOTICE IS TO BE SERVED:		
TO: BERNARDO DESMAY	Last Known Address: UNKNOWN	
YOU ARE HEREBY COMMANDED to appear virtually 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 and use the WebEx Meeting ID: 129 071 8189 and appear via telephone Superior Court of the District of Columbia, 500 Indiana Avenue, N.W		
On: February 8, 2022 at 2:00pm March 10, 2022 at 1:00pm March 11, 2022 at 11:00am	For: Pretrial Hearing / 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:		
<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:		

REMARKS

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

Signature of U.S. Marshal Representative