**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**FAMILY COURT**

**DOMESTIC RELATIONS BRANCH -- ADOPTION**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

)

**Ex Parte in the Matter of**  ) Adoption Case No. XXXXXX

)

The Petition of ) Adoption Calendar

)

[PETITIONER’S INITIALS] ) Magistrate Judge [NAME]

)

**For adoption of a minor child.** )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**Limited Consolidation With**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

)

**In the Matter of** ) Case No. [YEAR] NEG [XXXXXX]

)

[CHILD], ) Social File No. [YEAR] JSF [XXXXXX]

DOB: [CHILD DOB] )

) Next Date: [DATE]

**Respondent.** ) ) Magistrate Judge [NAME]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**JOINT PRE-TRIAL STATEMENT**

Petitioner [PETITIONER], birth mother [BIRTH MOTHER], birth father [ACTUAL BIRTH FATHER], by and through counsel, the Guardian *ad litem* (GAL) for [CHILD], and the District of Columbia submit the following pre-trial statement for the upcoming trial on [DATES]. This pre-trial statement incorporates all of the witnesses and exhibits that the parties intend to present and the disputed and undisputed facts before the court.

**1. Parties and Attorneys**

|  |  |  |
| --- | --- | --- |
| **Party** | **Attorney** | **Contact Information** |
| [PETITIONER]  Petitioner | [ATTORNEY], Esq.  [FIRM] | Children’s Law Center  [ADDRESS]  [CITY STATE ZIP]  [PHONE] |
| [CHILD]  Respondent | [GAL]., Guardian *ad Litem* | [ADDRESS]  [CITY STATE ZIP]  [PHONE] |
| [BIRTH MOTHER]  Mother of [CHILD] | [ATTORNEY], Esq.  [FIRM] | [ADDRESS]  [CITY STATE ZIP]  [PHONE] |
| [ACTUAL BIRTH FATHER]  Father of [CHILD] | [ATTORNEY], Esq.  [FIRM] | [ADDRESS]  [CITY STATE ZIP]  [PHONE] |
| The District of Columbia | [AAG], Esq.  Assistant Attorney General | [ADDRESS]  [CITY STATE ZIP]  [PHONE] |

**2. Type of case:** Consolidated Termination of Parental Rights (TPR) pursuant to D.C. Code § 16-2353 and contested adoption pursuant to D.C. Code § 16-304 (d) and (e).

**3. Has service of process been completed on all parties?** Yes.

The birth mother, [BIRTH MOTHER], was personally served on [DATE], at [LOCATION], [CITY, STATE]. [BIRTH MOTHER] was served with 1) Notice to mother of pending adoption proceeding and order to show cause; 2) order to biological mother to complete affidavit concerning paternity or to appear in court; and 3) summons and order directing appearance. [BIRTH MOTHER] was served with the TPR Motion, notice and scheduling order on [DATE].

Constructive service on the birth father of [CHILD], [ACTUAL BIRTH FATHER], was effected by posting a notice of adoption proceeding for not less than 14 days in the domestic relations clerk’s office; this posting was ordered on [DATE].

**4. Is there any dispute over paternity?** No. At the outset of the neglect case, it was believed that [PUTATIVE BIRTH FATHER] was [CHILD]’s father; however, at an initial hearing in the neglect case, paternity test results from a pending custody case found [PUTATIVE BIRTH FATHER] not to be [CHILD]’s biological father. On or around [DATE], [BIRTH MOTHER] completed a biological mother’s affidavit concerning paternity in the neglect case, identifying [ACTUAL BIRTH FATHER] as [CHILD]’s birth father.

**5. Has the possibility of consent been discussed and rejected? No.** Discussions for the possibility of the Mother’s consent are continuing.

**6. Are there any discovery problems that have not been resolved?** No.

**7. Outstanding or Anticipated Motions**: None at this time.

**8. Disputed issues and the position taken by each party:**

**Petitioner’s position:** Petitioner [PETITIONER] will show by clear and convincing evidence that it is in the best interests of [CHILD] to be adopted by her and that the birth mother [BIRTH MOTHER] and the birth father [ACTUAL BIRTH FATHER] are withholding consent contrary to [CHILD]’s best interests pursuant to D.C. Code § 16-304 (e).

**Government’s position:** The Government supports the adoption of the respondent by the petitioner and will prove by clear and convincing evidence that the parental rights of respondent’s parents should be terminated.

**GAL’s position:** The GAL supports the petitioner, Ms. [PETITIONER], and believes it is in the best interest of [CHILD] for Ms. [PETITIONER] to adopt [HIM/HER]. [CHILD] has a strong emotional bond with Ms. [PETITIONER], who is [HIS/HER] foster mother. Ms. [PETITIONER] is a mature and stable person who has met and will continue to meet [CHILD]’s physical, mental and emotional needs.

**Birth mother’s position:** The birth mother has expressed an intention to consent with some level of occasional contact.

**Birth father’s position:** Father takes no position.

**9. Undisputed facts**

1. Respondent [CHILD] is a [MALE/FEMALE] child born on [CHILD DOB].
2. [CHILD] is the subject of neglect case N-[###]-[##] which was consolidated with case [YEAR]-DRB-[####]. [YEAR]-DRB-[####] was dismissed without prejudice by order dated [DATE].
3. The biological mother of [CHILD] is [BIRTH MOTHER].
4. On or around [DATE], [BIRTH MOTHER] completed a biological mother’s affidavit concerning paternity in the neglect case, identifying [ACTUAL BIRTH FATHER] as [CHILD]’s birth father. [BIRTH MOTHER] also completed a biological mother’s affidavit concerning paternity on [DATE] in the instant case again identifying [ACTUAL BIRTH FATHER] as the birth father.
5. On or about [DATE], CFSA removed [CHILD] from the care of [PUTATIVE BIRTH FATHER] and placed [HIM/HER] in shelter care. [CHILD] resided with [PUTATIVE BIRTH FATHER] from approximately [MONTH YEAR] until [HIS/HER] removal. [CHILD]’s birth mother placed [CHILD] with [PUTATIVE BIRTH FATHER] because she was entering a Job Corp program, and at that time she believed [PUTATIVE BIRTH FATHER] was [CHILD]’s birth father.
6. On or about [DATE], the CFSA hotline received a report from the [JURISDICTION] DSS alerting CFSA that [PUTATIVE BIRTH FATHER] had been hospitalized in the psychiatric ward at [HOSPITAL] hospital due to an incident in which [PUTATIVE BIRTH FATHER] was found behaving incoherently on a bridge in [CITY, STATE]. [PUTATIVE BIRTH FATHER] had [CHILD] with him on the bridge and when the police discovered them, [PUTATIVE BIRTH FATHER] was under the influence of [DRUG] and unable to answer basic questions.
7. On [DATE], the District of Columbia filed a petition alleging that [CHILD] was a neglected child pursuant to D.C. Code § 16-2301 (9)(ii),(iii) and (iv).
8. At the initial hearing in the current case, paternity test results from a pending custody case found [PUTATIVE BIRTH FATHER] not to be [CHILD]’s biological father.
9. On or about [DATE], [CHILD]’s birth mother, [BIRTH MOTHER], and [HIS/HER] legal custodian, [PUTATIVE BIRTH FATHER], stipulated that [CHILD] was a neglected child pursuant to D.C. Code § 16-3201 (9)(A)(iii) and (iv).
10. [CHILD]’s initial permanency goal was reunification with [HIS/HER] mother, [BIRTH MOTHER], with a concurrent goal of custody with [PUTATIVE BIRTH FATHER]. This goal was in place from [DATE] until [DATE].
11. [CHILD] was placed with petitioner [PETITIONER] on [DATE], by the D.C. CFSA and has continuously lived with petitioner since that date.
12. [CHILD]’s permanency goal changed to adoption with petitioner [PETITIONER] on [DATE].
13. [CHILD]’s permanency goal has remained adoption since [DATE].
14. On [DATE], Petitioner [PETITIONER] filed a petition for adoption of [CHILD].
15. The birth mother, [BIRTH MOTHER], was personally served on [DATE], at [LOCATION] in [CITY STATE ZIP]. [BIRTH MOTHER] was served with 1) notice to mother of pending adoption proceeding and order to show cause; 2) summons and order directing appearance. [BIRTH MOTHER] was served with the TPR Motion, Notice and Scheduling Order on [DATE].
16. Constructive service on the birth father of [CHILD], [ACTUAL BIRTH FATHER], was effected by posting a notice of adoption proceeding for not less than 14 days in the domestic relations clerk’s office; this posting was ordered on [DATE].
17. The Court has jurisdiction to decide this matter pursuant to D.C. Code § 16-301 (b)(3) and § 16-2354.

**10. Exhibits and any objections to the admission of specific exhibits as evidence:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Exhibit** | **Offered By** | **Description** | **Objection (Y/N and by whom)** | **Legal Basis** |
|  | Petitioner | [DATE], Stipulation from neglect case, N-[###]-[##] | Y/Mother | Prejudicial; Relevance |
|  | Petitioner | [DATE] Disposition Order (Disposition; type of visitation) | Y: Mother | Objections as to Hearsay & Staff opinion; Relevance |
|  | Petitioner | [DATE] Review of Disposition Hearing Order (Disposition; type of visitation; | Y: Mother | Objections as to Hearsay & Staff Opinion; Relevance |
|  | Petitioner | [DATE], Permanency Hearing Order (parties in attendance; type of visitation) | Y: Mother | Objections as to Hearsay & Staff Opinion; Relevance |
|  | Petitioner | [DATE], Permanency Hearing Order (parties in attendance; permanency goal changed from reunification to adoption; type of visitation ordered) | Y: Mother | Objections as to Hearsay & Staff Opinion; Relevance |
|  | Petitioner | [DATE], Abuse and Neglect Hearing Form (parties in attendance; type of visitation ordered) | Y: Mother | Objections as to Hearsay & Staff opinion; Relevance |
|  | Petitioner | [DATE], Permanency Hearing Order (parties in attendance; type of visitation ordered) | Y: Mother | Objections as to Hearsay & Staff Opinion; Relevance |
|  | Petitioner | [DATE] Order to Authorize Service by Posting |  |  |
|  | Petitioner | Selected FACES contact notes |  |  |
|  | GAL | IEP for [CHILD] |  |  |
|  | GAL | Pendente Lite Custody Order in [##]-DRB-[####] | Y/Mother | Relevance; prejudicial |

*Counsel reserves the right to update this list of exhibits until two (2) weeks before trial. This list of documents does not include documents that may be used for impeachment purposes. The parties reserve the right to use each others’ exhibits.*

**11. Names of all witnesses to be called to testify and the type of witness:**

|  |  |  |
| --- | --- | --- |
| **Witness** | **Type of Witness** | **Party Calling** |
| 1. [PETITIONER] | Fact | Petitioner/GAL |
| 2. [SOCIAL WORKER], Current CFSA Social Worker | Fact | Petitioner/GAL |
| 3. [TEACHER], Teacher, [SCHOOL] | Fact | Petitioner/GAL |
| 4. [BIRTH MOTHER] | Fact | Government |

*Counsel reserves the right to update this list of witnesses until two (2) weeks before trial. This list of witnesses does not include witnesses that may be used for impeachment purposes. The parties reserve the right to call each others’ witnesses.*

**12. Other evidentiary and legal issues that will need to be resolved at trial:**

**13. Anticipated length of trial?** Trial is scheduled for [DATE] from 10 am – 4 pm and [DATE] from 9:30 am – 12:30 pm.

**14. Are any special accommodations required by parties or witnesses such as sign language interpreters, translators, or wheelchair access?** No.

**15. Is any party incarcerated and, if so, the location?** Unknown ([ACTUAL BIRTH FATHER]).

**16. Signatures of all counsel:**

[ATTORNEY], Esq. [GAL], Esq.

*Counsel for Petitioner [PETITIONER]* Guardian *ad Litem*

[ATTORNEY], Esq. [ATTORNEY], Esq.

*Counsel for Birth Mother Counsel for Birth Father*

[AAG], Esq.

*Assistant Attorney General*

**Approved**

**[JUDGE NAME], Magistrate Judge Date**