**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

 **)**

**STATE OF TENNESSEE, )**

**DEPARTMENT OF CHILDREN’S SERVICES, )**

 **)**

 **Petitioner, )**

 **Angelo Midgett, CPS )**

 **)**

 **) File No.**

**v. Docket No.**

**Renee Williams**

**234 Blythe St.**

**Gallatin, TN 37066**

**Frank Smith**

**234 Blythe St.**

**Gallatin, TN 37066**

**Russ Williams, incarcerated**

**Sumner Co. Jail**

 **Respondents.**

**IN THE MATTER OF:**

**Ariana Jones, d.o.b. 05/04/xx (13 years old)**

 **Jewel Williams, d.o.b. 07/19/xxxx (4 years old)**

 **Justin Williams, d.o.b. 08/10/xxxx (2 years old)**

**Children under Eighteen Years of Age**

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**PETITION FOR TEMPORARY LEGAL CUSTODY**

# The State of Tennessee, Department of Children’s Services (“DCS”), by and through counsel, petitions this Honorable Court to find the children, Ariana Jones, Jewel and Justin Williams, dependent and neglected, and to award temporary legal custody of the children to the Department of Children’s Services, pursuant to Tenn. Code Ann. § 37-1-129 to -130. This petition is brought upon the following facts.

# **I. JURISDICTION & VENUE**

1. This Court has jurisdiction over this action pursuant to Tenn. Code Ann. § 37-1-103. Venue is appropriate in this Court pursuant to Tenn. Code Ann. § 37-1-111(a) and because the children are currently present in Johnson City, TN.

2. Pursuant to the Uniform Child Custody and Jurisdiction Enforcement Act, Petitioner states that DCS has not participated in any other proceeding concerning the custody of the children, that DCS does not know of any other proceedings that could affect this action, and that DCS does not know of any other person not a party to this proceeding who has physical custody of the children or claims rights of legal custody or physical custody of or visitation with the children, except as otherwise noted in this petition.

3. During the last five (5) years, the children have lived with the following people at the addresses shown herein: Renee Williams 234 Blythe St. Gallatin, TN 37066, Frank Smith and Russ Williams at the same address as listed. The family resided in Nashville, TN, prior.

 4. Neither parent is a member of the Armed Forces and the Service Members Civil Relief Act does not apply to this proceeding.

5. The children are not a member of or eligible for membership in any federally recognized Indian tribe; the child’s parents are not members of or eligible for membership in any federally recognized Indian tribe, and the Indian Child Welfare Act does not apply to this proceeding.

**II. PARTIES**

1. The mother of the children is Renee Williams (“Mother”) whose contact information is shown in the caption.
2. The father of Ariana Jones is Timmy Jones, who is deceased. The father of the younger children, Jewel and Justin Williams, is Russ Williams who is currently incarcerated in the Sumner County Jail.

# **III. DEPENDENCY & NEGLECT**

1. Ariana Jones, Jewel and Justin Williams are dependent and neglected children

within the meaning of Tenn. Code Ann. § 37-1-102(b)(13)(F)(G) based upon the following:

1. On (the day before), the Department of Children’s Services received a referral

for the allegation of Lack of Supervision and Drug Exposed Child.

1. On (the day before), CM Midgett received a referral for a welfare check that

resulted in the mother being unable to be located while her children were present in the home with the mother’s paramour, Frank Smith. Mr. Smith appeared to be under the influence of substances, very aggressive and non-cooperative in the course of investigating the safety of the children. Upon speaking with each of the children, all reported being afraid to remain alone in the home with Mr. Smith in the absence of their mother who could not be located. The oldest child, Ariana, also reported that Mr. Smith and his friends often do cocaine in the children's presence and that the mother sometimes leaves the home for days at a time.

1. CM Midgett attempted to complete a genogram and was unable to utilize a placement option. Due to the mother’s absence of verifying relatives and sharing contact information, theyy were placed in Department of Children’s Services custody.

1. It is in the best interest of the children and the public that this proceeding be

brought.

 **IV. REASONABLE EFFORTS**

The Department of Children’s Services was unable to make reasonable efforts to prevent removal of the children due to the mother’s whereabouts being unknown, the father of the oldest child being deceased and the younger children’s father being incarcerated.

## **V. CUSTODY**

 1. Based on the facts stated above, the children were subject to an immediate threat to the extent that delay for a hearing would be likely to result in severe or irreparable harm.

2. There is no less drastic alternative to removal from the home that will reasonably protect the children’s health and safety pending a preliminary hearing.

**V. BEST INTEREST**

 It is in the best interest of the children and the public that this proceeding be brought. It is contrary to the welfare of the children to remain in the home of the mother. It is also contrary to the welfare for the children to remain in the home of the mother, and the children should be removed from the home and placed in the temporary legal custody of DCS for the reasons stated above.

**VI. NOTICE REGARDING ABANDONMENT**

 A parent’s willful failure to support or visit his or her children for four (4) months or more could constitute abandonment and be used as a ground to terminate parental rights to those children.

**PETITIONER PRAYS:**

1. That upon the filing of this Petition, the Court enter an immediate protective custody order taking the above-named children into the protective jurisdiction of this Court and awarding the temporary care and custody of the children to DCS pending a further hearing.

2. That Respondents be served with a copy of this petition, the protective custody order, and a summons to appear and answer.

3. That a Guardian ad Litem be appointed for the children, to be compensated pursuant to T.C. A. § 37-1-150 and applicable rules.

 4. That the Court consider the need to appoint counsel for the children’s parents, who may be incompetent or indigent or as may otherwise be required by law, with compensation to be paid pursuant to Tenn. Code Ann. § 37-1-150 and applicable rules.

5. That the Court hold a preliminary hearing no later than three (3) days excluding Saturdays, Sundays, and legal holidays, but no longer than eighty-four (84) hours after the children’s removal, to determine the issue of temporary custody of the children pending the final adjudication of this matter. The mother shall:

a. comply with all court orders in this and any other matters;

b. comply with the rules and regulations of the Department of Children’s Services and the laws of the State of Tennessee and any other governmental agency;

c. comply with the rules and regulations of the Department of Children’s Services and the laws of the State of Tennessee and any other governmental entity; and

d. Comply with all herein requirements in an expeditious manner.

6. That at a final hearing of this matter, the Court find the above named children to be dependent and neglected within the meaning of the law; that it is contrary to the children’s best interest to remain in home; that reasonable efforts were made to prevent removal of the children or that reasonable efforts were not required, and that there is no less drastic alternative to removal.

7. That based on the findings above, the Court award temporary legal custody of the children to DCS, granting DCS the authority to consent to ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric or psychological care, subject to further orders of this Court.

 8. That the Court inquire into the ability of each parent to pay support and the cost of medical care for the children and enter an order accordingly.

9. That all state, county, or local agencies with information or records relevant to the children’s situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children’s Services and to its agents.

 10. That all records produced by the Department of Children’s Services during these proceedings, either in response to a discovery request or distributed at a hearing, shall be maintained by the parties and their counsel as confidential records and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Department of Children’s Services or the individual identified in the record.

11. That at the conclusion of these proceedings, all such records containing protected health information (including medical, mental health, and substance abuse treatment records) in the possession of the parties and their counsel shall be returned to the Department of Children’s Services or destroyed.

 12. That the Court grant any other general relief necessary.

STATE OF TENNESSEE,

DEPARTMENT OF CHILDREN’S SERVICES

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Roberta Sullivan,

 Associate Counsel

STATE OF TENNESSEE

COUNTY OF WASHINGTON

 I, ANGELO MIDGETT, being duly sworn according to law, state that the facts set out in the petition above are true and correct to the best of my knowledge, information, and belief.

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 ANGELO MIDGETT, CM

Sworn to and subscribed before me this the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

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 Notary Public

 My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_