

Petitioner's

Appendix

Volume 1 of 3

Appendix A

App 1

Appendix A

Decision of the New York Appellate Division

Second Judicial Department Docket # 2018-06965

June 5, 2019

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D59489
G/htr

AD3d

Submitted - March 18, 2019

CHERYL E. CHAMBERS, J.P.
ROBERT J. MILLER
HECTOR D. LASALLE
LINDA CHRISTOPHER, JJ.

2018-06965

DECISION & ORDER

Theresa Skillings, appellant, v City of New York,
respondent.

(Index No. 10955/17)

Theresa Skillings, St. Albans, NY, appellant pro se.

Zachary W. Carter, Corporation Counsel, New York, NY (Kathy Park and
Claibourne Henry of counsel), for respondent.

In an action for declaratory and injunctive relief, the plaintiff appeals from an order of the Supreme Court, Queens County (Ernest F. Hart, J.), entered May 7, 2018. The order, insofar as appealed from, granted the defendant's motion to restore the plaintiff's separate motions and accept the defendant's papers in opposition, and denied the plaintiff's separate motions, *inter alia*, for dismissal of child neglect charges filed against the plaintiff by the Administration for Children's Services, an award of sole custody of the child to the plaintiff, and an award of punitive damages.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

In June 2016, the plaintiff commenced an action in the Supreme Court, Queens County, against the Administration for Children's Services (hereinafter ACS) and its Commissioner, alleging that in November 2015, she had been improperly charged by ACS with educational neglect of her child (hereinafter the first action). The plaintiff requested relief including, *inter alia*, dismissal of the ACS neglect charges, expungement of the case records from the Statewide Central Register of Child Abuse and Maltreatment, an award of sole custody of the child, and an award of punitive damages in the sum of \$49 million. The defendants moved pursuant to CPLR 3211(a)(7) to dismiss the complaint in the first action. By order entered December 21, 2016, the Supreme Court granted the defendants' motion on the basis, among others, that the allegations in the complaint could not

June 5, 2019

SKILLINGS v CITY OF NEW YORK

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properly be asserted in an action before the Supreme Court. No appeal was taken.

The plaintiff then commenced this action against the City of New York in the same court, in November 2017, alleging that in November 2015, she had been improperly charged by ACS with educational neglect of the child. According to the complaint, the child was removed from the plaintiff's care, ACS made no reasonable efforts to avoid the removal, and the child was placed with the nonrespondent parent without conducting an assessment of the living conditions at his home, which were completely inappropriate for a child. The child was thereafter placed with her maternal aunt in December 2015. The complaint alleged that ACS had failed to arrange visits between the child and the plaintiff, instead imposing unjust, excessive, and punitive requirements upon the plaintiff. As a result, the plaintiff alleged, she suffered mental anguish, lost her right to parent her child, has a record in the Statewide Central Register of Child Abuse and Maltreatment, and most importantly, the relationship between the plaintiff and the child has been significantly damaged. Accordingly, the plaintiff contended that she was entitled to, *inter alia*, dismissal of the ACS neglect charges, an award of sole custody of the child, and punitive damages in the sum of \$49 million.

The plaintiff thereafter moved, first by notice of motion and then by order to show cause, *inter alia*, for dismissal of the ACS neglect charges, an award of sole custody of the child, with no further ACS supervision and involvement, the expungement of ACS case records, and an award of \$49 million. The defendant, having failed to timely oppose the motions, moved to restore the plaintiff's motions and to accept its papers in opposition. In an order entered May 7, 2018, the Supreme Court, *inter alia*, granted the defendant's motion and denied the plaintiff's motions. The plaintiff appeals from those portions of the order.

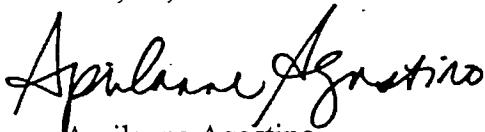
Contrary to the plaintiff's contention, the Supreme Court providently exercised its discretion in considering the defendant's untimely opposition papers (*see* CPLR 2004; *Hsu v Shields*, 111 AD3d 674; *Siracusa v Fitterman*, 110 AD3d 1055; *Bakare v Kakouras*, 110 AD3d 838; *cf. Tec-Crete Tr. Mix Corp. v Great Am. Ins. Co. of N.Y.*, 167 AD3d 806).

We agree with the Supreme Court's determination to deny the plaintiff's motions. Collateral estoppel will bar relitigation of an issue where "the issue in the second action is identical to an issue which was raised, necessarily decided and material in the first action, and the plaintiff had a full and fair opportunity to litigate the issue in the earlier action" (*Parker v Blauvelt Volunteer Fire Co.*, 93 NY2d 343, 349; *see Tydings v Greenfield, Stein & Senior, LLP*, 11 NY3d 195, 199; *Jeffreys v Griffin*, 1 NY3d 34, 39; *Pinnacle Consultants v Leucadia Natl. Corp.*, 94 NY2d 426, 432; *Continental Cas. Co. v Rapid-American Corp.*, 80 NY2d 640, 649). The allegations and relief sought in this action are the same as those asserted in the first action.

The plaintiff's remaining contentions are without merit.

CHAMBERS, J.P., MILLER, LASALLE and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

Appendix B

Appendix B

Decision of the Queens County Supreme Court

Index # 10955/2017 May 7, 2018

Short Form Order

FILED

MAY 07 2018

COUNTY CLERK
QUEENS COUNTY

OS

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable, ERNEST F. HART IAS PART 6
Justice-----
THERESA SKILLINGS,

JUSTICE ERNEST F. HART

Index No.: 10955/17

Plaintiff(s),

Motion Dates:

January 18, 2018 (#1)

February 8, 2018 (#2)

February 15, 2018 (#3)

THE CITY OF NEW YORK,

Defendant(s).

Cal. Nos.: 144, 142, 171

----- Mot. Seq. Nos.: 1, 2, & 3

The following papers read on this motion by Plaintiff for an Order, *inter alia*, pursuant to CPLR 3211(a), dismissing ACS' neglect charges and granting full and sole custody of child, K. S., to Plaintiff (Sequence No. 1); on the Order to Show Cause by Plaintiff for an Order, *inter alia*, pursuant to CPLR 3211(a)(2), dismissing ACS' neglect charges and releasing and returning K.S. to the full and sole custody of Plaintiff-mother (Sequence No. 2); on the motion by Defendant for an Order, restoring Plaintiff's motions identified as Sequence Nos. 1 and 2, and permitting Defendant's papers in opposition to be considered by the court (Sequence No. 3); and on the cross-motion by Defendant for consolidation of this action with an action also pending in Supreme Court, Queens County under Index Number 3682/2017.

PAPERS
NUMBERED

Notice of Motion-Affidavits-Exhibits	1 - 4
Answering Affidavits-Exhibits.....	
Replying Affidavits.....	

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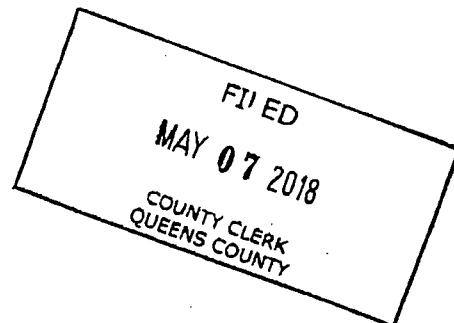
Upon the foregoing papers, it is ORDERED that the motion by Defendant for an order, permitting Defendant's papers in opposition to be considered by the court (Sequence No. 3) in connection with Plaintiff's motion identified as Sequence Nos. 1 and 2, is hereby granted; and it is further

ORDERED that the motion by Plaintiff for an Order, *inter alia*, pursuant to CPLR 3211(a), dismissing ACS' neglect charges and granting full and sole custody of child, K.S., to Plaintiff (Sequence No. 1), and the Order to Show Cause by Plaintiff for an Order, *inter alia*, pursuant to CPLR 3211(a)(2), dismissing ACS' neglect charges and releasing and returning K.S. to the full and sole custody of Plaintiff-mother (Sequence No. 2), are both hereby denied as Plaintiff has already litigated these issues in two prior actions commenced by Plaintiff and subsequently dismissed; and it is further

ORDERED that the cross-motion by Defendant to consolidate this action with an action also pending in Supreme Court, Queens County, under Index Number 3682/2017, is denied as a consolidation cannot be granted with a dismissed or inactive case.

Dated: April 19, 2018


.....
J.S.C.
HON. ERNEST HART



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Appendix C

Appendix C

Decision of the New York State Court of Appeals

Denying Review Motion # 2019-911

January 9, 2020

State of New York

Court of Appeals

*Decided and Entered on the
ninth day of January, 2020*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2019-911

Theresa Skillings,
Appellant,

v.

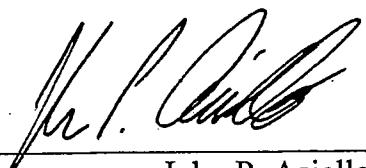
City of New York,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for leave to appeal is dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

Appendix D

Appendix D

Decision of the New York State Court of Appeals

Denying Reargument Motion # 2020 - 141

June 9, 2020

State of New York

Court of Appeals

*Decided and Entered on the
ninth day of June, 2020*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2020-141

Theresa Skillings,
Appellant,

v.

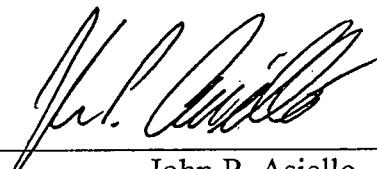
City of New York,
Respondent.

Appellant having moved for reargument of a motion for leave to appeal to the Court of Appeals and for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion for reargument of a motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.



John P. Asiello
Clerk of the Court

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Appendix E

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Appendix E

Decision of the Queens County Supreme Court

Index # 7066/2016 December 21, 2016

Short Form Order.

NEW YORK SUPREME COURT - QUEENS COUNTY

IAS PART 6

THERESA SKILLINGS,

Index No. 7066/16

Plaintiff,

Motion

Date September 14, 2016

-against-

Motion

Cal. No. 131

ADMINISTRATION FOR CHILDREN'S
SERVICES and GLADYS CARRION,
COMMISSIONER,

Motion

Seq. No. 3

Defendants:

FILED

DEC 21 2016

COUNTY CLERK
QUEENS COUNT

Papers
Numbered

Notice of Motion-Affidavits-Exhibits..

1-5

Upon the foregoing papers it is ordered that the branch of the motion by defendants, the New York City Administration for Children's Services ("ACS") and Gladys Carrion, Commissioner, for an order pursuant to CPLR 3211(a)(7) dismissing plaintiff's claims as against ACS as it is not a suable entity is hereby granted without opposition.

The underlying action is one brought by pro se plaintiff, Theresa Skillings, alleging that defendants, the New York City Administration for Children's Services and Gladys Carrion took certain alleged actions that violated her rights pursuant to *inter alia*, the Americans with Disabilities Act and the Individuals with Disabilities Education Improvement Act.

"It is well-settled that on a motion to dismiss a complaint for failure to state a cause of action pursuant to CPLR 3211(a)(7), the pleading is to be liberally construed, accepting all the facts alleged in the complaint to be true and according the plaintiff the benefit of every possible favorable inference ***" (*Jacobs v. Macy's East, Inc.*, 262 AD2d 607, 608; *Leon v. Martinez*, 84 NY2d 83). The court does not determine the merits of a cause of action on a CPLR 3211(a)(7) motion (see, *Stukuls v.*

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State of New York, 42 NY2d 272 [1977]; *Jacobs v. Macy's East, Inc., supra*), and the court will not examine affidavits submitted on a CPLR 3211(a)(7) motion for the purpose of determining whether there is evidentiary support for the pleading (see, *Rovello v. Orofino Realty Co., Inc.*, 40 NY2d 633). Such a motion will fail if, from its four corners, factual allegations are discerned which, taken together, maintain any cause of action cognizable at law, regardless of whether the plaintiff will ultimately prevail on the merits (*Given v. County of Suffolk*, 187 AD2d 560 [2d Dept 1992]). The plaintiff may submit affidavits and evidentiary material on a CPLR 3211(a)(7) motion for the limited purpose of correcting defects in the complaint (see, *Rovello v. Orofino Realty Co., Inc., supra*; *Kenneth R. v. Roman Catholic Diocese of Brooklyn*, 229 AD2d 159).

ACS is a department or agency of the City. Defendants established that actions involving a City department or agency must be brought in the name of the City pursuant to New York City Charter Ch. 17 §396. No opposition is presented on this argument. Accordingly, the case is dismissed as against ACS.

Furthermore, defendants established that the proper venue for plaintiff to challenge Family Court Orders is an appeal to the Appellate Division, Second Department, not to the instant Court. The record reflects that plaintiff's allegations in this action are directly related to an ongoing Family Court neglect proceeding involving plaintiff and her child, K.S., pursuant to Article 10 of the New York State Family Court Act. Pursuant to the New York State Family Court Act §§1111- 1113 appeals from orders of the Family Court are to be directed to the Appellate Division, Second Department.

Accordingly, the motion is granted and the complaint is dismissed.

This constitutes the decision and order of the Court.

Dated: November 25, 2016

.....
Howard G. Lane, J.S.C.

FILED
DEC 21 2016
COUNTY CLERK QUEENS COUNTY

Appendix F

Appendix F

Decision of the Queens County Supreme Court

Index # 3682/2017 July 26, 2017 and

August 8, 2017

Short Form Order OS

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE KEVIN J. KERRIGAN Part 10
Justice

Theresa Skillings,

Index
Number: 3682/17

Plaintiff,

- against -

Motion
Date: 6/27/17

The City of New York,

Motion
Cal. Number: 164

Motion Seq. No.: 1

Defendants.

The following papers numbered 1 to 5 read on this motion by plaintiff to dismiss neglect charges.

Papers
Numbered

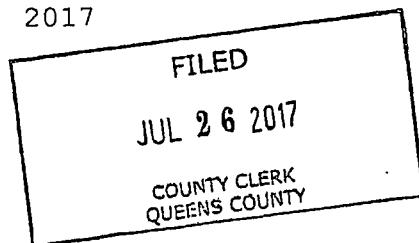
Notice of Motion-Affidavit-Memorandum of Law-
Exhibits..... 1-5

Upon the foregoing papers it is ordered that the motion is decided as follows:

Motion by plaintiff to dismiss neglect charges is denied without prejudice, notwithstanding the absence of any opposition. Pursuant to the Part Rules of this Court respecting the submission of motions, "All exhibits are to be proceeded by a numbered exhibit tab which protrudes from the stack of papers...FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN REJECTION OF THE OFFENDING SUBMISSION."

Dated: July 13, 2017


KEVIN J. KERRIGAN, J.S.C.



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OS

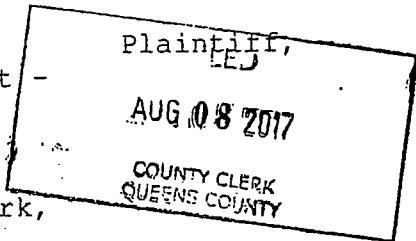
Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE KEVIN J. KERRIGAN Part 10
Justice

Theresa Skillings,

- against -



The City of New York,

Index
Number: 3682/17Motion
Date: 7/25/17Motion
Cal. Number: 128

Motion Seq. No.: 2

Defendants.

Papers
Numbered

Notice of Motion-Affirmation-Exhibits..... 1-4

Upon the foregoing papers it is ordered that the motion is decided as follows:

Motion by defendant for an order "restoring" plaintiff's motion to dismiss child neglect charges brought against her and to return her child to her custody, which motion was submitted without opposition by the Centralized Motion Part on June 27, 2017, and to consider defendant's opposition to the motion which was not submitted on the return date of the motion, is denied as moot.

Plaintiff's motion was denied without prejudice, notwithstanding the absence of any opposition, pursuant to the order of this Court issued on July 13, 2017.

Dated: August 3, 2017

KEVIN J. KERRIGAN, J.S.C.

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Appendix G

Appendix G

Proof of Service Notice of Motion

Index # 10955/2017

AFFIDAVIT OF SERVICE

State of NY

County of QUEENS

Supreme Court

Case Number: 10955/17

Plaintiff:

THERESA SKILLINGS

vs.

Defendant:

THE CITY OF NEW YORK

Received by DJ&H PROCESS SERVICE INC. to be served on THE CITY OF NEW YORK, 100 CHURCH STREET, NEW YORK, NY 10007.

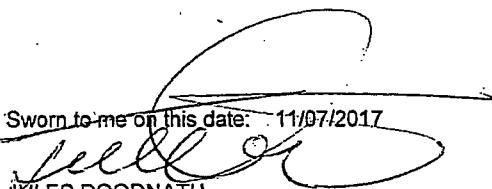
I, TAMERRA MEYERS, being duly sworn, depose and say that on the 6th day of November, 2017 at 3:00 pm, I:

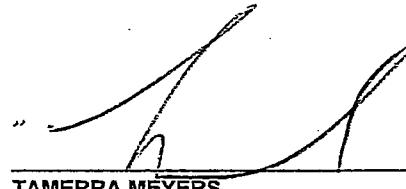
Personally served an AUTHORIZED agent a true copy of a SUMMONS WITH NOTICE, COMPLAINT, NOTICE OF MOTION USE FOR CIVIL ACTION OR PROCEEDING & AFFIDAVIT IN SUPPORT to BETTY MAZYCK at the address of: 100 CHURCH STREET, NEW YORK, NY 10007 who states that he/she is authorize to accept service for THE CITY OF NEW YORK and informed said party of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 65, Sex: F, Race/Skin Color: Black, Height: 5'7", Weight: 180, Hair: Salt & Pepper, Glasses: Y

I Tamerra Meyers, being duly sworn, deposed and says: That deponent is not a party of this action, is a Licensed Process Server over the age of eighteen years and resides in White Plains, New York.

Sworn to me on this date: 11/07/2017


JULES DOODNATH
Notary Public, State of New York
No. 01D06216465
Qualified in Queens County.
Commission Expires January 19, 2018


TAMERRA MEYERS
2053407-DCA

DJ&H PROCESS SERVICE INC.
111-13 115th Street
South Ozone Park, NY 11420
(718) 843-1184

Our Job Serial Number: JDD-2017002542

Copyright © 1992-2017 Database Services, Inc. - Process Server's Toolbox V7.1

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Appendix H

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Appendix H

New York State Civil Practice Law and Rules (CPLR) Rule 2214

CPLR 2214(b) specifies the time required for
service of Notice of Motion and Answering papers.

As of 09/22/2020 02:59PM, the Laws database is current through
2020 Chapters 1-198

Civil Practice Law and Rules

Rule 2214. Motion papers; service; time. (a) Notice of motion. A notice of motion shall specify the time and place of the hearing on the motion, the supporting papers upon which the motion is based, the relief demanded and the grounds therefor. Relief in the alternative or of several different types may be demanded.

(b) Time for service of notice and affidavits. A notice of motion and supporting affidavits shall be served at least eight days before the time at which the motion is noticed to be heard. Answering affidavits shall be served at least two days before such time. Answering affidavits and any notice of cross-motion, with supporting papers, if any, shall be served at least seven days before such time if a notice of motion served at least sixteen days before such time so demands; whereupon any reply or responding affidavits shall be served at least one day before such time.

(c) Furnishing papers to the court. Each party shall furnish to the court all papers served by that party. The moving party shall furnish all other papers not already in the possession of the court necessary to the consideration of the questions involved. Except when the rules of the court provide otherwise, in an e-filed action, a party that files papers in connection with a motion need not include copies of papers that were filed previously electronically with the court, but may make reference to them, giving the docket numbers on the e-filing system. Where such papers are in the possession of an adverse party, they shall be produced by that party at the hearing on notice served with the motion papers. Only papers served in accordance with the provisions of this rule shall be read in support of, or in opposition to, the motion, unless the court for good cause shall otherwise direct.

(d) Order to show cause. The court in a proper case may grant an order to show cause, to be served in lieu of a notice of motion, at a time and in a manner specified therein. An order to show cause against a state body or officers must be served in addition to service upon the defendant or respondent state body or officers upon the attorney general by delivery to an assistant attorney general at an office of the attorney general in the county in which venue of the action is designated or if there is no office of the attorney general in such county, at the office of the attorney general nearest such county.

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Appendix H

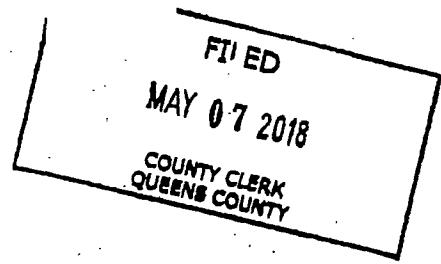
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Appendix I

Respondent's Affirmation in Support of Motion to Restore, Index # 10955/2017

- Footnote 1, Respondent acknowledges the answering papers were not submitted by the return date.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Theresa Skillings,

Plaintiff,

-against-

The City of New York,

Defendant.

Index No. 10955/2017

IAS Part 6

(Hart, J.)

**AFFIRMATION OF JOSHUA
C. WERTHEIMER IN
SUPPORT OF
DEFENDANT'S MOTION TO
RESTORE**

Motion Seq. No. 3

JOSHUA C. WERTHEIMER, an attorney duly admitted to practice before the Courts of this State, affirms under penalty of perjury and pursuant to Rule 2106 of the Civil Practice Law and Rules ("CPLR"), that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, and I am assigned to represent the City of New York in this action. I submit this affirmation in support of the City's motion to restore to the calendar Plaintiff's two substantively identical motions, denominated Motion Sequence Numbers 1 and 2, to accept and consider the City's papers in opposition to those motions, and to provide Plaintiff with time to reply.¹

2. This affirmation is based upon my review of records maintained by this office and conversations with City employees.

¹ Plaintiff's first motion was brought by Notice of Motion dated November 3, 2017 and marked fully submitted without opposition on January 18, 2018. Plaintiff's second motion was brought by Order to Show Cause dated November 30, 2017, with a return date of December 21, 2017. However, I have been informed by a clerk in the Centralization Motion Part that the return date for the Order to Show Cause has since been adjourned until February 8, 2018, that at the time of this adjournment a briefing schedule was set in the Centralized Motion Part requiring service of the City's opposition by January 25, 2018, and that no opposition papers served after this date will be accepted in the Centralized Motion Part.

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Respondent's Notice of Motion to Restore

Index # 10955 / 2017

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

THERESA SKILLINGS,

Plaintiff,

against-

THE CITY OF NEW YORK,

Defendant.

NOTICE OF MOTION TO
RESTOREIndex No. 10955/2017
IAS Part 6
(Hart, J.)

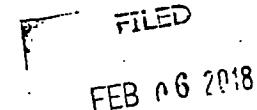
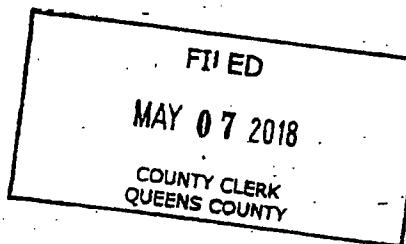
Motion Seq. No. 3

CLQ. NO. 330 M 12
 RELIEF 245976
 RETURN DATE 2/15/18
 CAL. DATE 2/15/18

FEE EXEMPT
Sec. 8019 (d) CPLR
 (1)

Hart
FSN

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Joshua C. Wertheimer in Support of Defendant's Motion to Restore, dated January 31, 2018, and the Exhibits annexed thereto, and upon all the pleadings and prior proceedings had herein, Defendant the City of New York (the "City" or "City Defendant") will move this Court at the Centralized Motion Part, Courtroom 25, 88-11 Sutphin Blvd., Jamaica, New York 11435, on February 15, 2018 at 2:15 p.m., or as soon thereafter as counsel can be heard, for an Order restoring to the calendar Plaintiff's two prior motions in this action, denominated Motion Sequence Numbers 1 and 2, accepting and considering the City's papers in opposition to those motions, and providing Plaintiff with time to reply, and for such other and further relief as the Court shall deem just and proper.



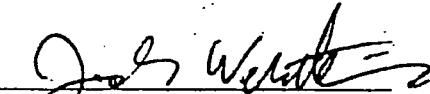
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PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 2214(b) of the CPLR, answering papers must be served at least two days prior to the return date.

Dated: New York, New York
January 31, 2018

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendant
100 Church Street, Room 2-167
New York, New York 10007
(212) 356-0877
jwerthei@law.nyc.gov

By: 

JOSHUA C. WERTHEIMER
Assistant Corporation Counsel

cc: By Mail
Theresa Skillings
Plaintiff Pro Se
187-01 Ludlum Ave.
St. Albans, N.Y. 11412

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Appendix K

Appendix K

Respondent's Affirmation of Service Index # 10985/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Theresa Skillings,

Plaintiff,

**AFFIRMATION OF
SERVICE**

-against-

The City of New York,

Defendant.

Index No. 10955/2017
IAS Part 6
(Hart, J.)

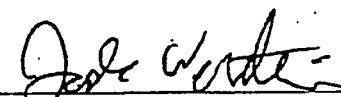
Motion Seq. No. 3

JOSHUA C. WERTHEIMER, an attorney duly admitted to practice before the courts of this state, affirms under penalty of perjury and pursuant to Rule 2106 of the C.P.L.R. that:

I am over the age of eighteen and not a party to this action.

On January 31, 2018, I served the NOTICE OF MOTION TO RESTORE, AFFIRMATION OF JOSHUA C. WERTHEIMER IN SUPPORT OF DEFENDANT'S MOTION TO RESTORE, and the AFFIRMATION OF JOSHUA C. WERTHEIMER IN OPPOSITION TO PLAINTIFF'S MOTIONS, with the exhibits annexed thereto, each dated January 31, 2018, by placing true and correct copies of the aforementioned documents in a mailbox maintained by the U.S. Postal Service within the City of New York, located at 100 Church Street, enclosed in a securely sealed, postage-paid envelope addressed to Theresa Skillings, 187-01 Ludlum Ave., St. Albans, N.Y. 11412, the address designated by Plaintiff for this purpose.

Dated: New York, New York
January 31, 2018


Joshua C. Wertheimer
Assistant Corporation Counsel

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Appendix K

Appendix L

Appendix L

New York State Civil Practice Law and Rules
(CPLR) Section 308

As of 09/22/2020 02:59PM, the Laws database is current through
2020 Chapters 1-198

Civil Practice Law and Rules

§ 308. Personal service upon a natural person. Personal service upon a natural person shall be made by any of the following methods:

1. by delivering the summons within the state to the person to be served; or

2. by delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by either mailing the summons to the person to be served at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such delivery and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such delivery or mailing, whichever is effected later; service shall be complete ten days after such filing; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law; or

3. by delivering the summons within the state to the agent for service of the person to be served as designated under rule 318, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

4. where service under paragraphs one and two cannot be made with due diligence, by affixing the summons to the door of either the actual place of business, dwelling place or usual place of abode within the state of the person to be served and by either mailing the summons to such person at his or her last known residence or by mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such affixing and mailing to be effected within twenty days of each other; proof of such service shall be filed with the clerk of the court designated in the summons within twenty days of either such affixing or mailing, whichever is effected later; service shall be complete ten days after such filing, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

5. in such manner as the court, upon motion without notice, directs, if service is impracticable under paragraphs one, two and four of this section.

6. For purposes of this section, "actual place of business" shall include any location that the defendant, through regular solicitation or advertisement, has held out as its place of business.

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Respondent's Affirmation in Opposition to Plaintiff's
Motion Index # 10955 /2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

X

Theresa Skillings,

Index No. 10955/2017

Plaintiff,

LAS Part 6
(Hart, J.)

-against-

The City of New York,

**AFFIRMATION OF JOSHUA
C. WERTHEIMER IN
OPPOSITION TO
PLAINTIFF'S MOTIONS**

Defendant.

x Motion Seq. Nos. 1 and 2

JOSHUA C. WERTHEIMER, an attorney duly admitted to practice before the Courts of this State, affirms under penalty of perjury and pursuant to Rule 2106 of the Civil Practice Law and Rules ("CPLR"), that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City New York, and I am assigned to represent the City of New York in this action. I submit this affirmation in opposition to the Plaintiff's two virtually identical motions for injunctive relief and punitive damages, served by Notice dated November 3, 2017 and by Order to Show Cause dated November 30, 2017.

2. This affirmation is based upon my review of the records maintained by this office and conversations with City employees.

Background and the Present Motions

3. Plaintiff initiated this action by Complaint dated November 3, 2017. Plaintiff alleges that in November of 2015, the New York City Administration for Children's Services ("ACS") "brought a case against" her in Family Court, charging her with neglect of her daughter K.S. (the "Child"), and that the Child was subsequently removed from her custody by

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Order of the Family Court. See Complaint, dated November 3, 2017 (the "Complaint"), ¶¶ 7-8. Plaintiff alleges that this removal was improper, that ACS has been negligent and irresponsible in pursuing the child protective proceeding concerning Plaintiff and the Child, and that this Family Court process has been extremely difficult and upsetting for Plaintiff. Id. ¶ 9-22. Plaintiff acknowledges that the New York State Family Court has been involved in this matter, and has directed some of the actions taken by ACS.¹ Id. ¶¶ 11, 14, 16, 21. She seeks \$49 million plus interest in punitive damages. Id. at ¶ 23.

4. In the present motions, brought by Notice dated November 3, 2017 and Order to Show Cause dated November 30, 2017, Plaintiff sets forth many of the same allegations that appear in her Complaint, asserting that ACS wrongfully initiated the Family Court case, that the agency has been negligent, incompetent, and unjust, that the case has been disruptive and has adversely impacted her, and that the Family Court proceeding is ongoing and unresolved. See Affidavit in Support, dated November 3, 2017 ("Plaintiff's Affidavit"), ¶ 2. Plaintiff again acknowledges the role of the New York State Family Court, stating that it is the Family Court's Orders, at least in part, that have impeded her parental rights. Id. In these motions, Plaintiff seeks the "immediate" dismissal of the "neglect charges," the "immediate" return of Plaintiff's child to her custody, that ACS's "supervision" of and "involvement" with Plaintiff and the Child end, and that Plaintiff be awarded the same \$49 million in punitive damages sought in the Complaint.

Id. ¶ 1.

¹ Plaintiff also attaches three Family Court Orders to her memorandum of law in support of her motions. See Plaintiff's Exhibits 3-5. Plaintiff attaches the same Affidavit in Support, memorandum of law, and exhibits to both of her motions.

Applicable Standard

5. It appears that to the extent that Plaintiff requests injunctive relief, she is seeking a mandatory preliminary injunction.² To obtain the extraordinary remedy of a preliminary injunction under Article 63 of the CPLR, Plaintiff bears the burden of showing that she satisfies each of the following prerequisites: (1) a clear right to the relief sought (also articulated as a strong likelihood of success on the merits); (2) that she will suffer irreparable injury if the preliminary injunction is not granted; and (3) that the balance of the equities tips decidedly in her favor. Doe v. Axelrod, 73 N.Y.2d 748, 750 (1988); Family-Friendly Media, Inc. v. Recorder Tel. Network, 74 A.D.3d 738, 739 (2d Dep't 2010).

6. Generally, preliminary injunctions are prohibitory in nature and limited to maintaining the status quo ante. In contrast, mandatory injunctions, such as the one Plaintiff seeks here, require a party to take affirmative steps. Mandatory injunctions are a rare form of equitable relief and should not be granted absent extraordinary circumstances. Board of Mgrs. of Wharfside Condominium v. Nehrich, 73 A.D.3d 822 (2d Dep't 2010); Rosa Hair Stylists v. Jaber Food Corp., 218 A.D.2d 793 (2d Dep't 1995). Where a party seeks issuance of a mandatory injunction, the moving party must meet the "heavy burden of proving a clear right" to relief sought. Rosa Hair Stylists, 218 A.D.2d at 794. Typically, the purpose of a preliminary injunction "is to maintain the status quo and to prevent any conduct which might impair the ability of the court to render final judgment," not to provide a more direct path by which Plaintiff may obtain her desired relief. St. Paul Fire & Marine Ins. Co. v. York Claims Serv., 308 A.D.2d 347, 349

² Plaintiff says multiple times, in her Notice, her Order to Show Cause, and her supporting Affidavit, that she seeks "immediate" relief. In addition, the motions were filed prior to the filing of the City's Answer, and it appears that the papers for Plaintiff's first motion were signed on the same day that Plaintiff signed the Complaint.

(1st Dep't 2003) (citing CPLR § 6301 and City of Rochester v. Chiarella, 65 N.Y.2d 92, 101 (1985)).³

7. Plaintiff cannot meet this heavy burden. She has not, and cannot, show a "clear right" to the extensive relief she seeks. She has not shown that she will suffer irreparable injury if the Court does not issue an injunction. She has not shown that the balance of equities weighs in her favor. As a matter of law, Plaintiff is also not entitled to punitive damages against the City of New York. Accordingly, the Court should deny Plaintiff's motions in their entirety.

Plaintiff Has Not Shown a Clear Right to Relief

8. As Plaintiff indicates in her papers, ACS has acted pursuant to Orders issued by the New York State Family Court in the underlying child protective proceeding. The agency has not acted unilaterally – indeed, the removal of Plaintiff's child from her custody was performed pursuant to a Family Court Order, dated November 10, 2015. See Exhibit A, annexed hereto.⁴ Furthermore, the Family Court has made detailed factual findings in the course of sustaining the charges of neglect against Plaintiff and confirming the temporary placement of the Child in the custody of her maternal aunt. See Order of Fact Finding, dated May 18, 2017, annexed to this Affirmation as Exhibit B; Order of Disposition, dated May 19, 2017, annexed to this Affirmation as Exhibit C.

9. This underlying Family Court proceeding is ongoing. See Plaintiff's Affidavit ¶ 2. According to the case docket, the next appearance – which is a permanency

³ Even if the Court interprets Plaintiff's motion as one that seeks final adjudication rather than preliminary relief, it should still be denied for the reasons set forth herein.

⁴ The Child was initially placed with her biological father, but by Order dated December 15, 2015, the Child was removed from his custody and placed with Plaintiff's sister, the Child's aunt. See Plaintiff's Exhibit 3.

hearing to determine if the Child should be returned to Plaintiff's custody – is scheduled for July 9, 2018.

10. In this action, and in the motions presently before this Court, Plaintiff is asking the Court to effectively overturn these Orders of the Family Court. This is improper. The child protective proceeding is ongoing in Family Court, and any objections Plaintiff has to those proceedings must be made in the Family Court, which has exclusive and original jurisdiction in child protective proceedings. See N.Y. Fam. Ct. Act § 1013(a). Indeed, New York law explicitly provides that Plaintiff can move in Family Court for the primary relief she seeks here, the return of the Child to her custody. See id. § 1062.

11. If Plaintiff wishes to challenge the Orders already issued by the Family Court, New York law requires that such a challenge be made by appealing to the "appellate division of the supreme court in which the family court whose order is appealed from is located," in this case, the Second Department. Id. § 1111; see also id. § 1112. The Family Court Orders to which Plaintiff objects explicitly advise her of her right to appeal.

12. Plaintiff's motions – indeed, this entire action – amount to a collateral attack on the Family Court Orders, which is prohibited by the doctrine of collateral estoppel. To invoke the doctrine of collateral estoppel, a party must establish two elements: "that (1) the identical issue was decided in the prior action and is decisive in the present action, and (2) the party to be precluded from relitigating the issue had a full and fair opportunity to contest the prior issue." Luscher v. Arrua, 21 A.D.3d 1005, 1007 (2d Dep't 2005); see also Dinerman v. ACS, 897 N.Y.S.2d 669 (Sup. Ct., Kings Co. Apr. 27, 2007) (noting that the doctrine of collateral estoppel applies to Family Court proceedings) (internal citations omitted), aff'd 50 A.D.3d 1088 (2d Dep't 2008). To the extent that Plaintiff seeks to have the Family Court neglect

case against her dismissed, have the Child returned to her custody, and have this Court terminate ACS's involvement with Plaintiff, these issues were plainly considered by the Family Court, and such relief is contradictory to the Family Court Orders that directed and have continued the Child's removal, and maintained ACS's role in supervising the Child. Further, Plaintiff does not deny that she has had a full and fair opportunity to present her case and to oppose these Orders in Family Court. Plaintiff is thus barred from raising these claims here.

13. Collateral estoppel also applies because Plaintiff previously brought a substantially similar claim in this Court, based on the same underlying facts, and this prior complaint was dismissed with prejudice. By Complaint dated June 13, 2016 (Plaintiff's "Prior Complaint"), Plaintiff brought claims against ACS and its then-Commissioner concerning the same child protective proceeding. See Prior Complaint, annexed to this Affirmation as Exhibit D. Plaintiff alleged, among other things, that ACS conducted a faulty investigation and violated Plaintiff's rights, that the Family Court Orders have been "unjust and excessive," and that the process has been extremely difficult and upsetting for Plaintiff. Id. ¶¶ 10, 18, 20-23. Plaintiff sought to have the Family Court proceeding dismissed, have her child returned to her custody, and sought an award of \$49 million in damages. Id. ¶¶ 25-26, 28-29, 32.

14. By Order dated November 25, 2016, Justice Howard G. Lane dismissed the case and found, among other things, that because Plaintiff's allegations concerned an ongoing Family Court matter, the proper course for Plaintiff was to bring an appeal to the Second Department, not an action in this Court. See Short Form Order, annexed to this Affirmation as Exhibit E, at 2. Thus, Plaintiff has unsuccessfully litigated these issues in this

Court and may not bring the same claims again in hopes of receiving a more favorable disposition.⁵

15. Moreover, to the extent that Plaintiff seeks monetary relief in the form of punitive damages, punitive damages are not available against the City of New York. See Krohn v. N.Y.C. Police Dep't, 2 N.Y.3d 329, 335-36, 338 (2004) (emphasizing that express statutory waiver of a municipality's sovereign immunity is required to impose punitive damages on a municipality); see also Spano v. Kings Park Cent. Sch. Dist., 61 A.D.3d 666, 672 (2d Cir. 2009) ("[P]unitive damages are not available against Kings Park, as it is a political subdivision of the State.") (citing Sharapata v. Town of Islip, 56 N.Y.2d 332 (1982)). Monetary relief is also not warranted, as the Family Court has endorsed the challenged conduct, and Plaintiff has not alleged that ACS has made false representations to the Court. See Graham v. City of New York, 869 F. Supp. 2d 337, 353 (E.D.N.Y. 2012) ("Only if a plaintiff can show that the government's request for removal... was summarily approved by the Family Court on the basis of false or greatly flawed ACS representations... will a court-ordered separation be found to infringe on a parent's substantive due process rights."). For all of these reasons, the Court should find the Plaintiff has not carried her burden of demonstrating a clear right to the relief she seeks, and her motions should be denied.

Plaintiff Has Not Shown That She Will Be Irreparably Harmed

16. Plaintiff also has not demonstrated she will be irreparably harmed if this Court does not grant her relief. As noted throughout this Affirmation, the underlying Family Court proceeding is ongoing. The injunctive relief Plaintiff seeks can be granted by the Family

⁵ Plaintiff also brought a third action alleging virtually identical claims, Theresa Skillings v. City of New York, Index No. 3682/2017. By Order dated January 8, 2018, Justice Joseph J. Esposito dismissed this action due to Plaintiff's failure to appear at a compliance conference on that date. See Order, dated January 8, 2018, annexed to this Affirmation as Exhibit F.

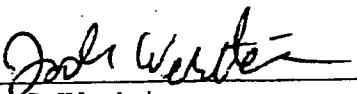
Court, or, if Plaintiff is dissatisfied with any action taken by the Family Court, she can appeal. Thus, the relief, if warranted, is available elsewhere, and Plaintiff cannot claim that she will be irreparably harmed if she does not obtain relief from this Court.

Plaintiff Has Not Shown that Equitable Considerations Weigh in her Favor

17. Plaintiff also has not shown that equitable considerations weigh in her favor. The Family Court's determinations have taken into account the safety and well-being of Plaintiff's child. Given that the Family Court has determined that the interests of the Child are best served at this time by placement in the custody of Plaintiff's sister, Plaintiff cannot argue that the equities weigh in favor of returning the Child to her custody or in terminating the Family Court proceeding. Since equitable considerations do not weigh in Plaintiff's favor, the Court should deny her motions.

18. For all of the foregoing reasons, the Court should deny Plaintiff's motions in their entirety and grant the City such other and further relief as the Court deems just and proper.

Dated: January 31, 2018
New York, New York


Joshua C. Wertheimer
Assistant Corporation Counsel

Appendix N

Appendix N

Petitioner's Complaint Index # 10955/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Theresa Skillings

Plaintiff,

Index No. 10955/2017

- against -

COMPLAINT

The City of New York

Defendant.

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The complaint of the plaintiff, Theresa Skillings, respectfully shows and alleges as follows:

1 The plaintiff Theresa Skillings is staying with relatives at their home located at 187-01 Ludlum Ave St. Albans, N.Y. 11412

2 The defendant, The City of New York which has the following agency: the Administration for Children's Services (ACS) The office of Corporation Counsel located at 100 Church Street New York, N.Y. 10007

3. On or about October 20, 2015 a caseworker from the Administration for Children's Services came by the residence of Ms. Skillings' relatives, where Ms. Skillings was visiting. The caseworker said an anonymous call was made stating that Ms. Skillings' child was not in school.

4 Ms Skillings told the worker that the issue was really a

domestic violence matter, and that her former partner had made the call after an altercation. The call was motivated not out of concern for the child but rather as a way to harass Ms. Skillings.

5. The plaintiff, Ms. Skillings had moved out of state and was visiting New York to attend to some personal business when things transpired.

6. The ACS caseworker was overly focused on the plaintiff's child having a developmental disability and did not consider other factor (i.e. domestic violence)

7. In November 2015, The Administration for Children's Services brought a case against the plaintiff Ms. Skillings in which she was charged with neglect

8. Plaintiff subsequently had her child removed from her custody even though child was not harmed, was not in danger or imminent risk.

9. ACS failed to make reasonable efforts to avoid the child's removal from the plaintiff's custody as mandated

10. The Defendant then placed the child with the non-respondent parent, Ms. Skillings' former partner; without conducting a thorough assessment of his living situation prior to this placement.

11. Defendant failed to verify the actual living conditions of

the non-respondent parent. He and the child were living in a rooming house with another male resident with a criminal record. The child had been there at least a month before this was made known to the court. The court was only made aware of this because the plaintiff brought it to the court's attention.

12 Defendant was negligent in arranging visits between Ms. Skillings and her child as required. Plaintiff was not allowed to spend any time with her child for a month following the removal.

13 Plaintiff has also been subjected to a variety of court ordered requirements which are unjust, excessive and punitive.

14. Plaintiff's child has been constantly ill with cold's and infections after being removed from her mother's care. And to the point where the child had to be hospitalized in the intensive care unit in March 2016. During a visit to the hospital, Plaintiff was told by hospital staff to leave her child's bedside due to the court order, which was quite devastating to Ms. Skillings.

15. Defendant has violated a number of Federal and State civil rights laws. Please review the Memorandum of Law.

16 Plaintiff has been subjected to an unnecessary, lengthy and drawn out court process.

17 Due to the Defendant's neglect charges, Plaintiff now has a record with the State Central Register of Child Abuse and Maltreatment which damages the Plaintiff's good name.

and reputation; limits employment options; and this record remains in their system for many years.

18. The City's agency, the Administration for Children's Services which should provide assistance to children and families instead did more harm than the plaintiff allegedly did.

19. As a result of the Defendant's actions, Plaintiff has been made to suffer and has experienced mental anguish and needless aggravation. Plaintiff has lost her parental rights and has been unable to make decisions for her child.

20. Plaintiff child is constantly ill and experiences more frustration and emotional outbursts. The child is caught in the middle of a situation she does not understand.

21 Plaintiff's separation from her child, the court ordered monitoring and supervision of plaintiff with child has negatively impacted mother-child bond and relationship, and has become a source of stress and conflict between the plaintiff and her family due to these allegations and the requirements of the court. This entire situation has been a living nightmare!

22 The Defendant's actions were and continue to be unnecessary, discriminatory, and an abuse and misuse of power and authority. This case has gone way out of proportion. It has resulted in significant disruption and turmoil in the plaintiff's life, her child's life and family.

23 By reason of the facts and circumstances stated above, Plaintiff is bringing a civil action against the Defendant in the amount of Forty-nine million dollars ~~per~~ ^{US}.

Wherefore, plaintiff demands judgment against the defendant in the amount of Forty-nine million dollars ~~per~~ ^{US} plus interest from October 26, 2015, together with any other relief the Court finds to be just and proper.

Dated: 11/3/2017

Theresa Skillings
Plaintiff

VERIFICATION

Theresa Skillings, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.



Signature

Theresa Skillings

Print Name

Sworn to before me this
31 day of NOV 2017

Patricia E. Lasak
Notary Public

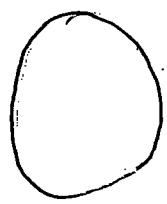
PATRICIA E. LASAK
NOTARY PUBLIC-STATE OF NEW YORK
5 No. 04LA6339018
Qualified in Queens County
Commission Expires March 18, 2021

Petitioner's

Appendix

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Appendix



Appendix O

New York State Civil Practice Law and Rules
(CPLR) Section 3018

As of 09/22/2020 02:59PM, the Laws database is current through
2020 Chapters 1-198

Civil Practice Law and Rules

§ 3018. Responsive pleadings. (a) Denials. A party shall deny those statements known or believed by him to be untrue. He shall specify those statements as to the truth of which he lacks knowledge or information sufficient to form a belief and this shall have the effect of a denial. All other statements of a pleading are deemed admitted, except that where no responsive pleading is permitted they are deemed denied or avoided.

(b) Affirmative defenses. A party shall plead all matters which if not pleaded would be likely to take the adverse party by surprise or would raise issues of fact not appearing on the face of a prior pleading such as arbitration and award, collateral estoppel, culpable conduct claimed in diminution of damages as set forth in article fourteen-A, discharge in bankruptcy, facts showing illegality either by statute or common law, fraud, infancy or other disability of the party defending, payment, release, res judicata, statute of frauds, or statute of limitation. The application of this subdivision shall not be confined to the instances enumerated.

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Proof of Service Summons and Complaint

Index # 7066 / 2016



**SHERIFF'S CERTIFICATE OF SERVICE ON CORPORATION,
PARTNERSHIP OR GOVERNMENTAL SUBDIVISION**

Docket # 7066/16

Sheriff's Case # 16025205

SUPREME COURT
QUEENS COUNTY
STATE OF NEW YORK

—X—
THERESA SKILLINGS

PLAINTIFF(S)

VS
ADMINISTRATION FOR CHILDREN'S SERVICES
GLADYS CARRION, COMMISSIONER
DEFENDANT(S)

—X—
STATE OF NEW YORK}
COUNTY OF NEW YORK} SS:

I, KHALILAH RAMSEY, Deputy Sheriff of the City and State of New York, authorized pursuant to my special duties to serve process, hereby certify that: I am not a party to this action or proceeding and over 18 years of age. I further certify that on 6/29/2016, at approximately 1:50 PM at 150 WILLIAMS STREET FIFTH FLOOR NEW YORK, NY 10038, in the borough of MANHATTAN, County of NEW YORK, I served the annexed: SUMMONS & COMPLAINT upon NYC ADMINISTRATION FOR CHILDREN'S SERVICES, in the following manner:

PERSONAL SERVICE ON CORPORATION, PARTNERSHIP OR GOVERNMENTAL SUBDIVISION

By delivering to and leaving with, ALBA ARIAS, a true copy thereof. Said person stated she was CLERICAL ASSOCIATE III an agent authorized to accept service of legal process.

DESCRIPTION:

Skin Complexion: MEDIUM Sex: FEMALE Approx. Age: 50 Height: 5'6"
Weight: 160 lbs. Hair Color: BROWN/GREY

Dated: 6/29/2016

SHERIFF OF THE CITY OF NEW YORK
JOSEPH FUCITO

BY: 

KHALILAH RAMSEY
DEPUTY SHERIFF
SHIELD # 410

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Appendix Q

Petitioner's Motion for Default Judgment pursuant to CPLR 3215

- New York State Civil Practice Law and Rules section 3215
- Notice of Motion filed with the New York Appellate Division Second Judicial Department, Docket # 2018-06965
- Affidavit
- Proof of Service of Motion, Docket # 2018-06965
- Petitioner's Summons Index # 10955/2017
- Petitioner's Complaint Index # 10955/2017
- Proof of Service Summons and Complaint, Index # 10955/2017

S 3215. Default judgment. (a) Default and entry. When a defendant has failed to appear, plead or proceed to trial of an action reached and called for trial, or when the court orders a dismissal for any other neglect to proceed, the plaintiff may seek a default judgment against him. If the plaintiff's claim is for a sum certain or for a sum which can by computation be made certain, application may be made to the clerk within one year after the default. The clerk, upon submission of the requisite proof, shall enter judgment for the amount demanded in the complaint or stated in the notice served pursuant to subdivision (b) of rule 305, plus costs and interest. Upon entering a judgment against less than all defendants, the clerk shall also enter an order severing the action as to them. When a plaintiff has failed to proceed to trial of an action reached and called for trial, or when the court orders a dismissal for any other neglect to proceed, the defendant may make application to the clerk within one year after the default and the clerk, upon submission of the requisite proof, shall enter judgment for costs. Where the case is not one in which the clerk can enter judgment, the plaintiff shall apply to the court for judgment.

(b) Procedure before court. The court, with or without a jury, may make an assessment or take an account or proof, or may direct a reference. When a reference is directed, the court may direct that the report be returned to it for further action or, except where otherwise prescribed by law, that judgment be entered by the clerk in accordance with the report without any further application. Except in a matrimonial action, no finding of fact in writing shall be necessary to the entry of a judgment on default. The judgment shall not exceed in amount or differ in type from that demanded in the complaint or stated in the notice served pursuant to subdivision (b) of rule 305.

(c) Default not entered within one year. If the plaintiff fails to take proceedings for the entry of judgment within one year after the default, the court shall not enter judgment but shall dismiss the complaint as abandoned, without costs, upon its own initiative or on motion, unless sufficient cause is shown why the complaint should not be dismissed. A motion by the defendant under this subdivision does not constitute an appearance in the action.

(d) Multiple defendants. Whenever a defendant has answered and one or more other defendants have failed to appear, plead, or proceed to trial of an action reached and called for trial, notwithstanding the provisions of subdivision (c) of this section, upon application to the court within one year after the default of any such defendant, the court may enter an ex parte order directing that proceedings for the entry of a judgment or the making of an assessment, the taking of an account or proof, or the direction of a reference be conducted at the time of or following the trial or other disposition of the action against the defendant who has answered. Such order shall be served on the defaulting defendant in such manner as shall be directed by the court.

(e) Place of application to court. An application to the court under this section may be made, except where otherwise prescribed by rules of the chief administrator of the courts, by motion at any trial term in which the action is triable or at any special term in which a motion in the action could be made. Any reference shall be had in the county in which the action is triable, unless the court orders otherwise.

(f) Proof. On any application for judgment by default, the applicant shall file proof of service of the summons and the complaint, or a summons and notice served pursuant to subdivision (b) of rule 305 or subdivision (a) of rule 316 of this chapter, and proof of the facts constituting the claim, the default and the amount due by affidavit made by the party, [or where the state of New York is the plaintiff, by

affidavit made by an attorney from the office of the attorney general who has or obtains knowledge of such facts through review of state records or otherwise. Where a verified complaint has been served, it may be used as the affidavit of the facts constituting the claim and the amount due; in such case, an affidavit as to the default shall be made by the party or the party's attorney. When jurisdiction is based on an attachment of property, the affidavit must state that an order of attachment granted in the action has been levied on the property of the defendant, describe the property and state its value. Proof of mailing the notice required by subdivision (g) of this section, where applicable, shall also be filed.

(g) Notice. 1. Except as otherwise provided with respect to specific actions, whenever application is made to the court or to the clerk, any defendant who has appeared is entitled to at least five days' notice of the time and place of the application, and if more than one year has elapsed since the default any defendant who has not appeared is entitled to the same notice unless the court orders otherwise. The court may dispense with the requirement of notice when a defendant who has appeared has failed to proceed to trial of an action reached and called for trial.

2. Where an application for judgment must be made to the court, the defendant who has failed to appear may serve on the plaintiff at any time before the motion for judgment is heard a written demand for notice of any reference or assessment by a jury which may be granted on the motion. Such a demand does not constitute an appearance in the action. Thereupon at least five days' notice of the time and place of the reference or assessment by a jury shall be given to the defendant by service on the person whose name is subscribed to the demand, in the manner prescribed for service of papers generally.

3. (i) When a default judgment based upon nonappearance is sought against a natural person in an action based upon nonpayment of a contractual obligation an affidavit shall be submitted that additional notice has been given by or on behalf of the plaintiff at least twenty days before the entry of such judgment, by mailing a copy of the summons by first-class mail to the defendant at his place of residence in an envelope bearing the legend "personal and confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt. In the event such mailing is returned as undeliverable by the post office before the entry of a default judgment, or if the place of residence of the defendant is unknown, a copy of the summons shall then be mailed in the same manner to the defendant at the defendant's place of employment if known; if neither the place of residence nor the place of employment of the defendant is known, then the mailing shall be to the defendant at his last known residence.

(ii) The additional notice may be mailed simultaneously with or after service of the summons on the defendant. An affidavit of mailing pursuant to this paragraph shall be executed by the person mailing the notice and shall be filed with the judgment. Where there has been compliance with the requirements of this paragraph, failure of the defendant to receive the additional notice shall not preclude the entry of default judgment.

(iii) This requirement shall not apply to cases in the small claims part of any court, or to any summary proceeding to recover possession of real property, or to actions affecting title to real property, except residential mortgage foreclosure actions.

4. (i) When a default judgment based upon non-appearance is sought against a domestic or authorized foreign corporation which has been

served pursuant to paragraph (b) of section three hundred six of the business corporation law, an affidavit shall be submitted that an additional service of the summons by first class mail has been made upon the defendant corporation at its last known address at least twenty days before the entry of judgment.

(ii) The additional service of the summons by mail may be made simultaneously with or after the service of the summons on the defendant corporation pursuant to paragraph (b) of section three hundred six of the business corporation law, and shall be accompanied by a notice to the corporation that service is being made or has been made pursuant to that provision. An affidavit of mailing pursuant to this paragraph shall be executed by the person mailing the summons and shall be filed with the judgment. Where there has been compliance with the requirements of this paragraph, failure of the defendant corporation to receive the additional service of summons and notice provided for by this paragraph shall not preclude the entry of default judgment.

(iii) This requirement shall not apply to cases in the small claims part or commercial claims part of any court, or to any summary proceeding to recover possession of real property, or to actions affecting title to real property.

(h) Judgment for excess where counterclaim interposed. In an action upon a contract where the complaint demands judgment for a sum of money only, if the answer does not deny the plaintiff's claim but sets up a counterclaim demanding an amount less than the plaintiff's claim, the plaintiff upon filing with the clerk an admission of the counterclaim may take judgment for the excess as upon a default.

(i) Default judgment for failure to comply with stipulation of settlement. 1. Where, after commencement of an action, a stipulation of settlement is made, providing, in the event of failure to comply with the stipulation, for entry without further notice of a judgment in a specified amount with interest, if any, from a date certain, the clerk shall enter judgment on the stipulation and an affidavit as to the failure to comply with the terms thereof, together with a complaint or a concise statement of the facts on which the claim was based.

2. Where, after commencement of an action, a stipulation of settlement is made, providing, in the event of failure to comply with the stipulation, for entry without further notice of a judgment dismissing the action, the clerk shall enter judgment on the stipulation and an affidavit as to the failure to comply with the terms thereof, together with the pleadings or a concise statement of the facts on which the claim and the defense were based.

Supreme Court of the State of New York
Appellate Division, Second Judicial Department

Theresa Skillings, Plaintiff-Appellant

- against -

NOTICE OF MOTION

Appellate Division Docket No.:

2018-6965

The City of New York, Defendant-Respondent

Please take notice that upon the annexed affidavit of Theresa Skillings, dated December 14th, 2018, and the papers annexed thereto, the undersigned will move this court, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, 11201, on the 31st day of December, 2018, at 9:30 o'clock in the forenoon of that date, or as soon thereafter as counsel may be heard, for an order granting the following relief:

1. Motion for default judgment
2. Motion for dismissal
- 3.
- 4.
5. Such other and further relief as to the court may seem just and equitable.

Dated: Queens, New York
December 14, 2018

Yours, etc.:



Signature

Print name: Theresa Skillings
Address: 187-01 Ludlum Ave
St. Albans, NY 11412
718-454-5311

To: New York City Law Dept
Office of the Corporation
Counsel

100 Church Street
New York, NY 10007
212-356-1000

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

Theresa Skillings, Plaintiff - Appellant

- against -

The City of New York, Defendant - Respondent

AFFIDAVIT

Appellate Division Docket No.:

2018-6965

State of New York)
County of Kings) ss.:

I, Theresa Skillings, being duly sworn, depose and say that:

1. The affidavit is in support for a motion for default judgment pursuant to CPLR 3215(a). The motion for judgment is timely as it is made within 1 year of the default. The defendant - respondent did not provide an answer to the plaintiff's complaint (case 10955/17) by the deadline as required. On the return date, the court clerk verified that they also had not received the defendant's answer, and the case was submitted without opposition. Enclosed is the requisite proof (notice of motion, complaint, etc.) which is also documented in the appellate's brief/appendix.
- 2.
- 3.
- 4.

5.

WHEREFORE, I request that the court grant me the following relief: Return of the child K.S. to the sole custody of her mother Theresa Skillings. Dismissal of ACS' charges. All ACS supervision and involvement cease; all case records expunged and the plaintiff - appellant be awarded Forty - Nine million dollars $\frac{00}{100}$ in punitive damages.

Dated: December 14, 2018

Theresa Skillings

Sworn to before me this 14
day of December, 2018

S. Ruiz
Notary Public

SUSAN N. RUIZ
Notary Public-State of New York
No. 04RU6352980

Qualified in Queens County
Commission Expires January 9, 2021

AFFIDAVIT OF SERVICE

State of NY

County of KINGS

Supreme Court

Case Number: 2018-6965

Plaintiff:
THERESA SKILLINGS

vs.

Defendant:
THE CITY OF NEW YORK

Received by DJ&H PROCESS SERVICE INC. to be served on **THE CITY OF NEW YORK, 100 CHURCH STREET, NEW YORK, NY 10007**.

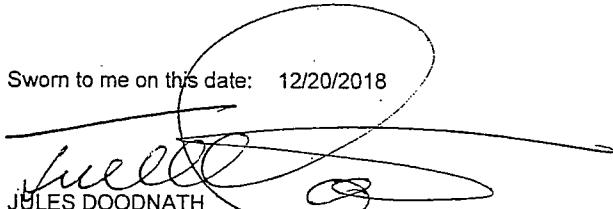
I, DWAYNE THOMAS, being duly sworn, depose and say that on the **19th day of December, 2018** at **12:35 pm**, I:

Personally served an **AUTHORIZED** agent a true copy of a **MOTION FOR DEFAULT JUDGMENT & MOTION FOR DISMISSAL** to **BETTY MAZYCK (RECEPTIONIST)** at the address of: **100 CHURCH STREET, NEW YORK, NY 10007** who states that he/she is authorize to accept service for **THE CITY OF NEW YORK** and informed said party of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 45, Sex: F, Race/Skin Color: Black, Height: 5'6", Weight: 160, Hair: Black, Glasses: N

I Dwayne Thomas, being duly sworn, deposed and says: That deponent is not a party of this action, is a Licensed Process Server over the age of eighteen years and resides in Brooklyn County, New York.

Sworn to me on this date: **12/20/2018**


JULES DOODNATH
Notary Public, State of New York
No. 01D06216465
Qualified in Queens County.
Commission Expires January 19, 2022


DWAYNE THOMAS
2067476-DCA

DJ&H PROCESS SERVICE INC.
111-13 115th Street
South Ozone Park, NY 11420
(718) 843-1184

Our Job Serial Number: JDD-2018002498

[Print in **black** ink to fill in the spaces next to the instructions. **Both pages must be completed.** This summons cannot be used for divorce actions.]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

X

Theresa Skillings
[Your name(s)] Plaintiff(s)

SUMMONS WITH NOTICEIndex No. 10955, 17

Nov. 3rd, 2017
Date Index No. purchase

The City of New York
[Name(s) of party being sued] Defendant(s)

X

To the Person(s) Named as Defendant(s) above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff(s) at the address set forth below, and to do so within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: 11/3, 2017

[Date of summons]

Theresa Skillings
[Your name(s)]

187-01 Ludlum Ave.St. Albans, N.Y. 11412718-454-5311

[Your address(es) and telephone no.(s)]

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Appendix Q

Defendant(s) 100 Church Street New York, NY 10007
[Address(es) of party being sued]

Notice: The nature of this action is [briefly describe the nature of your case against the defendant(s), such as, breach of contract, negligence]: Ms. Skillings, the plaintiff is commencing an action due to an agency of the City of New York, ACS' negligence and violation of the plaintiff's legal rights.

The relief sought is [briefly describe the kind of relief you are asking for, such as, money damages of \$25,000] Injunctive and Declaratory relief; and
Punitive damages of forty-nine million dollars ⁰⁰/₁₀₀

Should defendant(s) fail to appear herein, judgment will be entered by default for the sum of Forty-nine million dollars ⁰⁰/₁₀₀ [amount of money demanded], with interest from the date of October 20th 2015 [date from which interest on the amount demanded is claimed] and the costs of this action.

Venue:

Plaintiff(s) designate Queens County as the place of trial. The basis of this designation is [check box that applies]:

- Plaintiff(s) residence in Queens County
- Defendant(s) residence in Queens County
- Other [See CPLR Article 5]: CPLR 505(a)

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Appendix Q

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Theresa Skillings

Plaintiff,

Index No. 10955/2017

- against -

COMPLAINT

The City of New York

Defendant.

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The complaint of the plaintiff, Theresa Skillings, respectfully shows and alleges as follows:

1 The plaintiff Theresa Skillings is staying with relatives at their home located at 187-01 Ludlum Ave St. Albans, N.Y. 11412

2 The defendant, The City of New York which has the following agency: the Administration for Children's Services (ACS) The office of Corporation Counsel located at 100 Church Street New York, N.Y. 10007

3. On or about October 20, 2015 a caseworker from the Administration for Children's Services came by the residence of Ms. Skillings' relatives, where Ms. Skillings was visiting. The caseworker said an anonymous call was made stating that Ms. Skillings' child was not in school.

4 Ms Skillings told the worker that the issue was really a

domestic violence matter, and that her former partner had made the call after an altercation. The call was motivated not out of concern for the child but rather as a way to harass Ms. Skillings.

5. The plaintiff, Ms. Skillings had moved out of state and was visiting New York to attend to some personal business when things transpired.

6. The ACS caseworker was overly focused on the plaintiff's child having a developmental disability and did not consider other factor (i.e. domestic violence)

7. In November 2015, The Administration for Children's Services brought a case against the plaintiff Ms. Skillings in which she was charged with neglect

8. Plaintiff subsequently had her child removed from her custody even though child was not harmed, was not in danger or imminent risk.

9. ACS failed to make reasonable efforts to avoid the child's removal from the plaintiff's custody as mandated

10. The Defendant then placed the child with the non-respondent parent, Ms. Skillings' former partner; without conducting a thorough assessment of his living situation prior to this placement.

11. Defendant failed to verify the actual living conditions of

the non-respondent parent. He and the child were living in a rooming house with another male resident with a criminal record. The child had been there at least a month before this was made known to the court. The court was only made aware of this because the plaintiff brought it to the court's attention.

12 Defendant was negligent in arranging visits between Ms. Skillings and her child as required. Plaintiff was not allowed to spend any time with her child for a month following the removal.

13 Plaintiff has also been subjected to a variety of court ordered requirements which are unjust, excessive and punitive.

14. Plaintiff's child has been constantly ill with cold's and infections after being removed from her mother's care. And to the point where the child had to be hospitalized in the intensive care unit in March 2016. During a visit to the hospital, Plaintiff was told by hospital staff to leave her child's bedside due to the court order, which was quite devastating to Ms. Skillings.

15. Defendant has violated a number of Federal and State civil rights laws. Please review the Memorandum of Law.

16 Plaintiff has been subjected to an unnecessary, lengthy and drawn out court process.

17 Due to the Defendant's neglect charges, Plaintiff now has a record with the State Central Register of Child Abuse and Maltreatment which damages the Plaintiff's good name.

and reputation; limits employment options; and this record remains in their system for many years.

18. The City's agency, the Administration for Children's Services which should provide assistance to children and families instead did more harm than the plaintiff allegedly did.

19. As a result of the Defendant's actions, Plaintiff has been made to suffer and has experienced mental anguish and needless aggravation. Plaintiff has lost her parental rights and has been unable to make decisions for her child.

20. Plaintiff child is constantly ill and experiences more frustration and emotional outbursts. The child is caught in the middle of a situation she does not understand.

21 Plaintiff's separation from her child, the court ordered monitoring and supervision of plaintiff with child has negatively impacted mother-child bond and relationship, and has become a source of stress and conflict between the plaintiff and her family due to these allegations and the requirements of the court. This entire situation has been a living nightmare!

22 The Defendant's actions were and continue to be unnecessary, discriminatory, and an abuse and misuse of power and authority. This case has gone way out of proportion. It has resulted in significant disruption and turmoil in the plaintiff's life, her child's life and family.

23 By reason of the facts and circumstances stated above, Plaintiff is bringing a civil action against the Defendant in the amount of Forty-nine million dollars ~~per~~ ^{US}.

Wherefore, plaintiff demands judgment against the defendant in the amount of Forty-nine million dollars ~~per~~ ^{US} plus interest from October 20, 2015, together with any other relief the Court finds to be just and proper.

Dated: 11/3/2017

Theresa Skillings
Plaintiff

VERIFICATION

Theresa Skillings, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

Theresa Skillings

Signature

Theresa Skillings

Print Name

Sworn to before me this
31 day of NOV 2007

Patricia E. Lasak

Notary Public

PATRICIA E. LASAK
NOTARY PUBLIC-STATE OF NEW YORK
5 No. 04LA6339018
Qualified in Queens County
Commission Expires March 18, 2020

AFFIDAVIT OF SERVICE

State of NY

County of QUEENS

Supreme Court

Case Number: 10955/17

Plaintiff:
THERESA SKILLINGS
vs.
Defendant:
THE CITY OF NEW YORK

Received by DJ&H PROCESS SERVICE INC. to be served on THE CITY OF NEW YORK, 100 CHURCH STREET, NEW YORK, NY 10007.

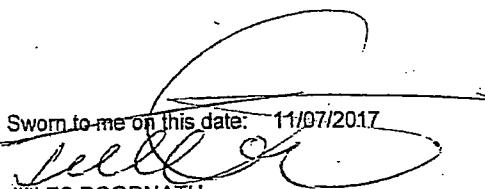
I, TAMERRA MEYERS, being duly sworn, depose and say that on the 6th day of November, 2017 at 3:00 pm, I:

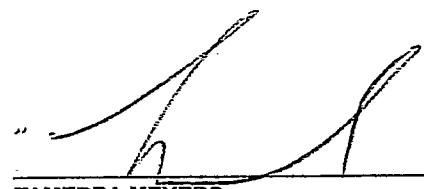
Personally served an AUTHORIZED agent a true copy of a SUMMONS WITH NOTICE, COMPLAINT, NOTICE OF MOTION USE FOR CIVIL ACTION OR PROCEEDING & AFFIDAVIT IN SUPPORT to BETTY MAZYCK at the address of: 100 CHURCH STREET, NEW YORK, NY 10007 who states that he/she is authorize to accept service for THE CITY OF NEW YORK and informed said party of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 65, Sex: F, Race/Skin Color: Black, Height: 5'7", Weight: 180, Hair: Salt & Pepper, Glasses: Y

I Tamerra Meyers, being duly sworn, deposed and says: That deponent is not a party of this action, is a Licensed Process Server over the age of eighteen years and resides in White Plains, New York.

Sworn to me on this date: 11/07/2017


JULES DOODNATH
Notary Public, State of New York
No. 01D06216465
Qualified in Queens County.
Commission Expires January 19, 2018


TAMERRA MEYERS
2053407-DCA

DJ&H PROCESS SERVICE INC.
111-13 115th Street
South Ozone Park, NY 11420
(718) 843-1184

Our Job Serial Number: JDD-2017002542

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Appendix Q

Appendix R

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Appendix R

Decision of New York Appellate Division Second
Judicial Department, Motion for Default Judgment
Docket # 2018-06965 February 8, 2019

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M259967

E/sl

LEONARD B. AUSTIN, J.P.
BETSY BARROS
FRANCESCA E. CONNOLLY
ANGELA G. IANNACCI, JJ.

2018-06965

DECISION & ORDER ON MOTION

Theresa Skillings, appellant,
v City of New York, respondent.

(Index No. 10955/17)

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Queens County, entered May 7, 2018, inter alia, in effect, for summary reversal.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is denied.

AUSTIN, J.P., BARROS, CONNOLLY and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 8, 2019

SKILLINGS v CITY OF NEW YORK

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Appendix R

Appendix S

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Appendix S

Decision of New York Appellate Division Second Judicial
Department, Motion for Leave to Appeal to the
New York State Court of Appeals, Docket # 2018-06965
August 13, 2019

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M265150
kbp/

CHERYL E. CHAMBERS, J.P.
ROBERT J. MILLER
HECTOR D. LASALLE
LINDA CHRISTOPHER, JJ.

2018-06965

DECISION & ORDER ON MOTION

Theresa Skillings, appellant,
v City of New York, respondent.

(Index No. 10955/17)

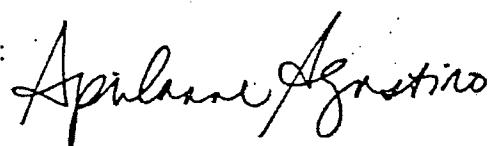
Motion by the appellant for leave to appeal to the Court of Appeals from a decision and order of this Court dated June 5, 2019, which determined an appeal from an order of the Supreme Court, Queens County, entered May 7, 2018, and for poor person relief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

CHAMBERS, J.P., MILLER, LASALLE and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

August 13, 2019

SKILLINGS v CITY OF NEW YORK

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Appendix S

Appendix T

Appendix T

Ms. Skillings' Housing Transfer to move to
California

**NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT**
PO Box 19199
Long Island City, NY 11101

THERESA SKILLINGS
217 BEACH 44 STREET Apt 2
Far Rockaway, NY, 11691

02/02/2015

A. Voucher # 9913545

B. Dear Tenant:

This is to inform you that your request for a Portability Transfer has been approved. The package containing our approval and your voucher has been sent to the public housing agency listed below.

1. Name of Housing Authority: BERKELEY HOUSING AUTHORITY,
2. Address: 1901 FAIRVIEW ST.,
BERKELEY, CA, 94703
3. Contact Person Name: TILDA, BARNES
4. Contact Person Telephone number: 5109815470

C. Please call the contact person listed above no earlier than five (5) business days of this letter. At that time, you will be informed of the date you must appear in the other housing authority. The Portability Specialist there will provide you with the expiration date of your new voucher and with any additional information you might need before you can begin your search for a new apartment.

1. Once you receive approval from the other Authority to move into your new apartment, please immediately notify us by calling the Customer Contact Center at 7187077771
- D. If you are already receiving Section 8 assistance for the apartment you will be vacating, you must also notify your current landlord.

E. Sincerely,

LEASED HOUSING DEPARTMENT



NYCHA 059.619 (Rev. 3/10) NOTICE OF OUTGOING PORTABILITY TRANSMITTAL

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Appendix T

Appendix U

Appendix U

Ms. Skillings' Doctorate in Clinical Psychology



Printed: 6/17/97 20
109552017 AFTS NOTICE OF MOTION SECURENCE #11166577/2018

ALLIED INTERIMINARY UNIVERSITY

The Trustees of the University,
by virtue of the authority vested in them,
and upon the recommendation of the faculty of the
California School of Professional Psychology
hereby confer on

Whereas Skillinga
who has satisfactorily completed the studies and passed the examinations required
therefore, the degree of

Doctor of Psychology in Clinical Psychology
with all the rights, privileges and honors thereunto appertaining

Given on the 23rd day of May in the year
One Thousand and Ten in the San Francisco Bay Area, California.

John H. Stetson
President of the University

John H. Stetson
Chair, Board of Trustees

06/25/2010 01:08
Ben



ALLIANT



June 4, 2010

Congratulations on your Achievement!

And a note about diplomas...

- **For our CSPP Clinical Psychology doctoral students who are completing their internships this summer:** After you complete your internship contract, I will be in touch with you regarding the posting of your degree and receiving your diploma.
- **For our CSPP doctoral dissertation extension (DE) students who have already completed internship:** For those of you who completed dissertation last Fall, you should have already received your diploma from us, and we would ask you return the diploma cover that you receive in today's ceremony, since you already have one (it would be returned at the regalia table where you turn in your cap and gown afterwards). For those of you who were DE in Spring Semester and cleared your dissertation on or before the May 7 deadline, I have contacted you individually prior to the ceremony (in most cases) to make arrangements to get you the diploma.
- **For our HSOE and MGSM students:** Most of you were enrolled in Spring Semester courses, or were recently completing work from a Fall course (such as the HSOE Master's Thesis class, EDU6810). Spring grades were officially due last Friday, and we have been busy certifying that each degree candidate has received all of his/her grades from faculty and that all the required courses were passed. I will be in touch with you soon about the diploma (if you haven't heard from me already).
- **For our Sacramento MFT students:** Your diplomas will be issued by the Sacramento campus. Please e-mail SacRegistrar@alliant.edu if you have any questions.
- **For our San Francisco students (any program):** If you have any further questions, feel free to call or e-mail me directly. My contact information is below.

Lastly, if you move over the summer, please be sure to keep us informed regarding your new address and/or phone number.

Good luck in all your future endeavors and please keep in touch with us!

Sincerely,

Michael

Michael Newman, MA
Registrar, San Francisco Campus
415-955-2153
mnewman@alliant.edu

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Appendix U

Appendix V

Appendix V

Documentation of Ms. Skillings' Credentials,
References, and Professional Experience

Theresa Skillings
2121 Seventh Street # 201
Berkeley, CA. 94710
(510) 845-0686
TSkillings@aol.com

Education:

California School of Professional Psychology Alameda, California	1997 - Present
Psy.D. Candidate in an APA Accredited Clinical Psychology Program	
M.A., Clinical Psychology	2001
City College New York, New York	1993 - 1997
York College Queens, New York	1987 - 1991
B.A., Cum Laude, Psychoiology	

Honors:

Undergraduate Dean's List: Six semesters	
PSI CHI National Psychology Honor Society	June 1991 - present

Supervised Clinical Experience:

Practicum Student West Contra Costa County Child & Adolescent Services Richmond, California	Sept 1999 - June 2001
Duties: Provided individual and family therapy for children and adolescents with a variety of emotional and behavioral problems. Co-facilitated groups. Consulted with teachers, social services agencies and other professionals. Conducted intake interviews, diagnosed clients, developed treatment plans. Provided case management and referrals. Maintained client files. Participated in a weekly individual and group supervision, case conferences, inservice trainings.	
Supervisor: Butler Nelson, Ph.D.	
Practicum Student East Bay Community Recovery Project Oakland, California	Aug 1998 - July 1999
Duties: Co-facilitated a variety of groups for adults with mental illness and substance abuse issues. Provided individual counseling to those involved in the criminal justice system. Interacted with other agencies on client's behalf of, such as the court system.	

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probation, parole and case managers. Maintained client files. Participated in weekly staff meetings, inservice trainings, case consultations and supervision sessions.
Supervisor: Marta Rose, MFCC

Practicum Student

St. James Head Start

Sept 1997 - June 1998

Duties: Observed and interacted with pre-school children, parents and staff. Provided mental health resources and referrals and individual counseling. Worked with small and large groups conducting mental health activities and social skills training to improve social emotional functioning. Screened for emotional, language and motor difficulties. Worked with parents and staff to create behavioral management strategies for individual children and classrooms. Participated in weekly supervision and bimonthly staff meetings.

Supervisor: Elea Bernou, Psy.D.

Research Experience:

Doctoral Dissertation (in progress)

Title: "African-American Parents' Knowledge of ADHD"

Dissertation Chairperson: Harriet Curtis-Boles, Ph.D.

Committee member: Micheline Beam, Ph.D.

Dissertation proposal approved: 11 / 2000

Dissertation defense: 6 / 2002 (expected)

Research Assistant

Dec 1996 - June 1997

Research project involved the development of a preschool conflict resolution program. Assisted with workshop training of parents and day care staff in basic negotiation and mediation skills. Collected data via surveys, interviews and observations. Conducted pre-school activities (puppetry, games, etc.) for measuring behavioral change.

Project Director: Sandra Horowitz, Ph.D.

Professional Affiliations:

American Psychological Association of Graduate Students

Awards and Scholarships:

Recipient of the 2000-2001 Multicultural Award for Dissertations on People of Color

Professional Training:

Addiction Severity Index completed 6 hour training. March 1999

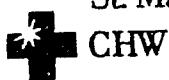
ADHD Education workshop completed 6 hour training, November 1999

Domestic Violence workshop completed 4 hour training, February 2001

References are Available Upon Request

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Appendix V



St. Mary's Medical Center

450 Stanyan Street
San Francisco, CA 94117-1079
415 668 1000 Telephone

January 2, 1999

To Whom It May Concern,

It is with pleasure that I write this letter in support of Theresa Skillings' application for your practicum position. I was Ms. Skillings' clinical supervisor during her first year practicum at the Psychological Services Center in the 1997-8 academic year. As a practicum student Ms. Skillings provided mental health consultation and services to pre-school children and their families at a San Francisco Head Start classroom site, one day per week.

While at Head Start Ms. Skillings' responsibilities were to observe and interact with children, parents, and staff, making suggestions, providing mental health resources and referrals, as well as providing direct mental health services for children identified as needing individualized attention. She did social skills training and supportive counseling with individual children and small groups, and led mental health activities with larger groups of children, such as exploring emotional expression and understanding differences. In the latter half of the school year she helped the children create individual books about themselves, filling them with pictures of their likes and dislikes and the various challenges they had overcome during the school year. She also did a formal case presentation of a child she worked with for most of the school year, who suffered from separation anxiety.

Ms. Skillings worked hard during her year at Head Start. She demonstrated competence, a calm manner, and strong organization skills. She was motivated to make a difference and confronted the challenges of Head Start with compassion and humor. Ms. Skillings is a bright and compassionate young woman who is a welcome addition to the field of mental health. She is able to make good use of supervision and is open to feedback. While at Head Start she consistently met the challenges of working with difficult children, as well as sometimes overwhelmed staff and parents, with sensitivity and creativity. Ms. Skillings is responsive to the complex needs of children and families with a variety of issues, as well as being sensitive to multi-cultural and language issues.

Ms. Skillings' quiet but warm interpersonal style made her a pleasure to work with. I recommend her to you most highly, and do so with confidence that she will be an excellent trainee in your program, as she was in ours. Please contact me with any further questions.

Sincerely,

Elea Bernou, PsyD
Project SchoolCare (415) 750-5552

Previously, Project Assistant, Child & Family Program, Psychological Services Center
1730 Franklin St. Suite 212 Oakland, CA 94612 (510) 628-9065

A Member of Catholic Healthcare West

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Appendix V

CALIFORNIA SCHOOL
OF PROFESSIONAL
PSYCHOLOGY



CSPP

January 24, 1999

Alameda
Fresno
Los Angeles
San Diego
System Office

To Whom It May Concern:

This letter is written in support of Theresa Skillings' application for a clinical placement at your agency. Theresa is a student in my Psy.D. research proposal development class; a year long course that assists students in conceptualizing a dissertation focus and developing a written proposal. Theresa has been a responsible and hardworking student. Her dissertation will address factors which effect the school performance of children diagnosed with ADHD, with particular emphasis on parent knowledge and involvement. Given the limited research in this area on African-American children, Theresa is looking to design a study that examines these issues in an African-American population. Theresa has been an active participant in class, seeking consultation appropriately in formulating her ideas, but also asking questions and providing useful suggestions to others. She is clear thinking and shows evidence of producing a solid study with important value for the field.

Though I have no direct knowledge of Theresa's clinical skills, she is a warm and caring person whom I believe would form good connections with clients. She is thoughtful, patient and well-intentioned; all qualities that will serve her well in doing clinical work. Her openness to feedback and honest sharing of challenges and dilemmas suggests that she would use supervision well and be easy to work with. I urge you to give her application serious consideration. I believe that she would be an asset to your organization.

CSPP - Alameda
1005 Atlantic Ave.
Alameda,
California 94501

telephone
510.521.2300
fax
510.521.3678

Sincerely,

Harriet Curtis-Boles, Ph.D.
Associate Professor

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Appendix V

WILLIAM B. WALKER, M. D.
HEALTH SERVICES DIRECTOR
DONNA M. WIGAND, LCSW
MENTAL HEALTH DIRECTOR



CONTRA COSTA
MENTAL HEALTH
WEST COUNTY CHILD
& ADOLESCENT SERVICES
303 41st Street
Richmond, California
94805
Ph (510) 374-3261
Fax (510) 374-3857

February 9, 2001

TO WHOM IT MAY CONCERN:

I am pleased to write this letter of recommendation for Ms. Theresa Skillings. From September 1999 to February, 2001 Theresa has worked as a psychology practicum student for West County Child and Adolescent Services, a Contra Costa County outpatient, mental health clinic. My evaluation of her abilities is based on my observation and supervision of her work during this time.

Theresa is clinically responsible for the assessment, diagnosis and treatment of six to eight, seriously emotionally disturbed children, adolescents and dysfunctional families from various ethnic and socio-cultural backgrounds. Her duties include individual, group, and family therapy, diagnosis and assessment, play therapy, and clinical documentation. She participates in weekly individual supervision, group supervision and in-service training and seminars. Theresa approaches her work with a high degree of professionalism and ethics. She is motivated to learn, and is invested in her own professional development.

Since joining our program she has revealed herself to be a responsible, caring, and empathic therapist dedicated to the well being of her clients. She is able to think imaginatively and critically about the complexities of her cases. In supervision, she addresses questions reflectively and intelligently, and she is able to accept constructive criticism non-defensively. She is thoughtful in her approach and sensitive to cultural differences. Although a basically quiet person she unselfishly shares her thoughts and ideas with others. Theresa is very conscientious, ethical and devoted to doing quality work academically and professionally.

I enthusiastically urge her acceptance to your training program.

Sincerely,

Butler Nelson, Ph.D.
Internship Coordinator



• Contra Costa Community Substance Abuse Services • Contra Costa Emergency Medical Services • Contra Costa Environmental Health • Contra Costa Health Plan •
• Contra Costa Hazardous Materials Programs • Contra Costa Mental Health • Contra Costa Public Health • Contra Costa Residential Mental Health • Contra Costa Senior Health Center •

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Appendix V

Appendix W

Appendix W

Queens County Civil Court Filing

Ms. Skillings filed a small claim with the Queens County Civil Court to recover her security deposit from a former landlord.

Small Claims: Day Session

QUEENS COUNTY CIVIL COURT

Small Claims Part,
89-17 Sutphin Boulevard
Jamaica, NY 11435
Mon, Tues, Wed, Fri
Thursday

(718) 262-7123
9 am - 4:30 pm
9 am - 7:30 pm

***ALL PERSONS ENTERING THE COURTHOUSE
MUST PASS THROUGH THE MAGNETOMETERS.
*IT IS SUGGESTED THAT YOU PLAN TO ARRIVE
60 MINUTES BEFORE YOUR SCHEDULED TIME**

Today's Date: 10-19-2016
Index No. 7

3658 OSC 2016

FEE: \$20.00 Paid

WILLIAMS vs. DUMBOUALA

Your Case is Scheduled for:

Monday, Oct 24, 2016

Room 307 - 9:30 AM

The hearing for your claim has been set for 9:30 AM in Room 307,
the SMALL CLAIMS COURTROOM.

Only the JUDGE presiding on the Hearing Date can change your date or time!

INSTRUCTIONS TO CLAIMANT: You must present with any witness(es) and other proof of your claim, at the time and place indicated above. If your claim is for damage to property, in order to prove your claim you must produce, at the time of trial, either: (1) An Expert Witness (for example, a Mechanic), (2) A Paid Receipt (itemized, marked "paid," and signed) or (3) Two estimates for service or repairs (itemized and signed). Once service of the Notice of Claim is complete, you must request the Clerk to issue a Subpoena for Records and/or a Subpoena to Testify, to compel someone to appear. Such Subpoenas are issued by the Clerk without a fee, but you will be required to pay a fee to the person on whom the Subpoena is served. Your request for such Subpoena must be made of the Clerk before the date of the hearing. If you have not received one of the following booklets: "A Guide to Small Claims" or "A Guide to Commercial Claims," please request one.

JUDGES and ARBITRATORS: The Judge can only hear a limited number of cases at each session of Court. Most hearings are held before volunteer Arbitrators who are attorneys with at least 5 years experience and are thoroughly knowledgeable in the law. The decision of a Judge is subject to appeal but no appeal of an Arbitrator's decision is permitted since there is no official transcript of Hearings held before an Arbitrator. Either party may choose to have the case heard only by a Judge by responding "by the Court" at the time of the calendar call. If you request your case "by the Court" it is quite possible that you will have to return for trial at another time.

INSTRUCTIONS FOR ANSWERING THE CALENDAR CALL

- If you are ready for trial and willing to be heard by an Arbitrator, Answer with: Your Name, READY
- If you wish to: request a postponement of your case, change the amount of the claim, or add an additional party, Answer with: Your Name, APPLICATION
- If you are ready for trial and requesting that the case be heard only by a Judge, Answer with: Your Name, READY BY THE COURT

Civil Court of the City of New York
89-17 Sutphin Boulevard
Jamaica, NY 11435-3716

Register # 81 Transaction No. 1

Index Number: 3658 OSC 2016
WILLIAMS vs. DUMBOUALA

FEE: \$20.00 Paid. October 19, 2016
Cash.

Small Claims (Over \$1000)
Your Case is Scheduled for: Oct-24-2016

PSU 10-19-15 NG 18:30
KEEP THIS RECEIPT WITH YOUR COURT PAP

**AVISO: Esta información esta disponible en Español bajo ped

*****PLEASE HAVE THIS SHEET WITH YOU AT ALL TIMES

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Appendix

X

Appendix X

Order of Protection issued by the Queens County
Criminal Court against the non-respondent parent

ORNO. NY040033
Order No. 21
N.Y.S.D. No. 7
CIN No. 1

At a term of the Criminal Court, County of Queens,
in the Court house at New York, State of New York

ORDER OF PROTECTION
Family Offense C.P.L. § 80.12

PRESENT John
People of the State of New York

REPS:

KEVIN CURRY

Defendant

Date of Birth: 03/07/1961

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET IN THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS OR CONSENTS TO HAVE CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

TEMPORARY ORDER OF PROTECTION: Whereas good cause has been shown for the issuance of a temporary order of protection:

as a condition of recognition release on bail or imminent contemplation of dismissal.

ORDER OF PROTECTION: Whereas defendant has been convicted of [specify crime or violation].

And the Court having made a determination in accordance with section 80.12 of the Criminal Procedure Law.

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

(1) Stay away from (A) [] [name(s) of protected person(s) or witness(es)] (B) [] SKILLINGS-THERESA and/or from the (C) [] school of SKILLINGS-THERESA (D) [] business of SKILLINGS-THERESA (E) [] place of employment of SKILLINGS-THERESA (F) [] Other: SEPARATE YARD PROVISION BELOW
Do not go within 200 yards of the above name person(s). You will be in violation of this order even if you are invited back into the home. No third party contact.

except for contact, communication or access permitted by a subsequent order issued by a family or supreme court in custody, visitation or child abuse or neglect proceeding.

(2) Refrain from communication with other, except by mail, telephone, e-mail, voice-mail, or other electronic or any other means, with [specify protected person(s)].

except for contact, communication or access permitted by a subsequent order issued by a family or supreme court in custody, visitation or child abuse or neglect proceeding.

(3) Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, or any criminal offense against [specify name(s) of protected person(s)], members of protected person's family or household or person(s) with custody of children] SKILLINGS-THERESA.

(4) Refrain from intentionally injuring or killing without justification the following companion animal(s) (pal(s)): [specify type(s)] and, if available, name(s).

(5) Permit [specify individual] to enter the residence in [specify] during [specify date/time] with [specify law enforcement means] and/or [] to remove personal belongings from [specify] to [] [specify items].

(6) Return from [specify place] that creates no unreasonable risk to the health, safety, or welfare of [specify child/ren], family, or household member].

(7) Permit [specify individual] to enter the residence in [specify] during [specify date/time] under the following terms and conditions:
[specify IV].

(8) Surrender any and all handgun(s), pistols, revolvers, rifles, shotguns and other firearms owned or possessed including, but not limited to the following: ALL FIREARMS and do not obtain any further guns or other firearms such surrenders shall take place immediately, but in no event later than [specify date/time].
Promptly return or transfer the following identification documents [specify] to the party protected by this Order NOT LATER THAN [specify date/time] in the following manner: [specify manner or mode of return or transfer].
[Check box(es) if applicable]: Such document shall be made available for use as evidence in this judicial proceeding.
Jointly owned documents or documents in both parties names only, the following document(s) may be used as necessary for legitimate use by the defendant [specify].

(9) Specify other conditions defendant must observe for the purposes of protection:

IT IS FURTHER ORDERED that the above-named defendant, [license to carry, possess, permit, sell or transfer] as [specify] as permitted by law, section 40.00, is hereby [3(A)] is denied or [3(B)] revoked (note: grant under only), and/or [4-C] [5] Defendant shall remain ineligible to receive a firearm license during the period of this order. [Check all applicable boxes].

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date].

If this is a temporary Order, it shall expire on this date or upon the case's disposition, whichever comes first. A copy of the order shall be filed in the Clerk's office of the Court that issued the order and a copy shall be filed in the Clerk's office of the Court that issued this order.

DATE: 10-09-2011

Defendant advised in Court of substance of Order
 Order personally served on Defendant in Court

(Defendant's signature)

JUDGE/JUSTICE
Court (Court Seal)

Order re-served by other means [specify]

Warrant issued to Defendant

ADDITIONAL SERVICE INFORMATION [specify]

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer, peace officer, or member of the National Guard, or to any other person who is alleged to have violated its terms, and to bring him or her before the Court to face arraignment, is served by law. In some situations, law provides that this order must be honored and enforced by state and local courts, including courts of the District of Columbia, a commonwealth, territory, or possession of the United States, if the person against whom the order is rendered is an inmate, member of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in a federal offense in:

cross state lines to violate this order, or state laws or common domestic violence against an intimate partner or family member.

buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this order remains in effect.

Once there is a limited exception for military law enforcement officers, but only while they are in an off-duty position.

buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition, after a conviction of a domestic violence related offense.

Appendix Y

Appendix Y

ACS Petition

Page 2 of the petition incorrectly lists Ms. Skillings and her child's place of residence as St. Albans, N.Y. That is the home of Ms. Skillings' relatives.

Ms. Skillings and her child had relocated out of state, and were visiting New York to attend to some matters.

Ms. Skillings had the full intention of returning to California. Also, Ms. Skillings' last residence in New York was in Far Rockaway, at the address listed in Appendix T.

Page 2 of the petition incorrectly lists the non-respondent parent as residing at Beach 32nd Street in Far Rockaway, New York. However this was his mother's residence.

The non-respondent parent actually resided at a rooming house elsewhere in Far Rockaway with another male resident who has a criminal history. ACS failed to properly investigate this case and placed the child at risk.

Also please note on Page 1 of the petition the '18/22 Rule'. This gives ACS the authority to terminate parent's rights. Ms. Skillings' case exceeds this time frame significantly. This is a serious indication of ACS' mismanagement and disregard for following procedure and the law.

Secs. 1012, 1031 F.C.A.

(Child Protective)

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK, COUNTY OF QUEENS

Attorney: FRIEDMAN, L

Judge: PICCIRILLO, J

-----X

In the Matter of : Docket No: NN-21794-15

:

~~Karen S.~~

:

PETITION NEGLECT CASE

:

A Child Under Eighteen Years :
of Age Alleged to be Neglected by :

:

THERESA SKILLINGS :

:

: Child Protective Specialist:
: JESUS DOMINGUEZ JR
: ACS #: 6982905
: Unit #: 975-1
: Telephone: 718-883-7369

:

Respondent (s) :

-----X

NOTICE: IF YOUR CHILD REMAINS IN FOSTER CARE FOR FIFTEEN (15) OF THE MOST RECENT TWENTY-TWO (22) MONTHS THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.

TO THE FAMILY COURT:

The undersigned petitioner respectfully shows that:

1. Petitioner Gladys Carrión, Esq., Commissioner of Administration for Children's Services, a Child Protective Agency with offices at 150 William Street, New York, New York, is authorized to file a petition under Article 10 of the Family Court Act.
2. ~~Karen S.~~ is a female child under the age of eighteen years, having been born on ~~05/05/2009~~.

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Appendix Y

3. Said child resides at 187-01 LUDLUM AVE, ST. ALBANS, NY, 11412.
4. The father of said child is or is alleged to be KELVIN CURRY who resides at 333 BEACH 32ND STREET APT# 11L, FAR ROCKAWAY, NY, 11691. The father's date of birth is [REDACTED] 1964. The mother of said child is THERESA SKILLINGS who resides at 187-01 LUDLUM AVE, ST. ALBANS, NY, 11412. The mother's date of birth is [REDACTED] 1969.
5. (Upon information and belief), said child is a neglected child in that: (Specify grounds of neglect under Section 1012 of the Family Court Act.)
See Addendum I.
6. (Upon information and belief), THERESA SKILLINGS, the Mother of said child is the person who is responsible for neglect of said child.

Petitioner is required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education records) of each child named in this petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

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Appendix Y

Appendix Z

Appendix Z

Queens Family Court Removal Order

Although Ms. Skillings' name is in the caption, the child was in the non-respondent parent's care at the time the removal order was made. A month prior to this, ACS had removed the child from Ms. Skillings and placed the child with the non-respondent.

Page 1 a) of this Order states "non-respondent father informed ACS that he no longer wishes to care [for] the child and that his home is not conducive."

g) says the removal is necessary because "the non-respondent father's home could not be cleared."

c) Also states "the non-respondent was not fully cleared, and all attempts to contact the father to clear the home were not answered."

ACS failed to conduct a proper investigation and placed the child in an unsuitable environment with the non-respondent parent. Their competence and professional judgment should be called into question. How did it happen that the child was placed in a home that was not properly screened and verified. It's an error in judgment on the part of ACS. Also, the non-respondent parent misrepresented himself and the situation. This calls into question the credibility of the non-respondent, and

the motivation behind the phone call he made anonymously to ACS.

In the Removal Order, the caseworker notes the non-respondent Father informed ACS that he "no longer wishes" to care for the child, and that his home is "not conducive". So did the non-respondent just make this realization?

No. The non-respondent was well aware of the unsuitability of his living conditions, and chose not to submit to the clearance.

Upon realizing their error and determining the non-respondent's home was not appropriate for the child, ACS should have returned the child to her mother's custody. However they did not do this. Page 2 of the Removal Order, ACS placed the child with a relative. On the order they misspelled the name. It is Carolyn Skillings with an 'i', not an 'o'. The relative is in the same household as the child's mother. This placement is not necessary. There is no danger to the child.

It would have been more reasonable for ACS to reunite mother and child; and support and encourage Ms. Skillings' direct involvement with her child and the child's education since that was supposedly the reason for the case.

ACS could have better served the family's needs if, they had attempted to preserve the mother-child relationship by supporting the parent with her child. This has not happened. Instead the court orders have

done the opposite, and have in effect, made it difficult by creating barriers for Ms. Skillings when she should have been provided with assistance.

F.C.A. §§1017, 1027

Removal Order (Child Protective) 12/05

At a term of the Family Court of the State of New York, held in
 and for the County of Queens, at 51-20 Jamaica
Jamaica New York on 12/15/15 A.D.

PRESENT:

Hon. Riccirillo
 Judge

In the Matter of

S. Skilling
 A Child Under the Age of Eighteen
 Alleged to be (Abused) (and) (Neglected) by

Theresa Skilling

Respondent(s)

Docket #: NN-21794-15ACS #: 6982905ORDER (Directing Temporary
 Removal of Child-After Petition Filed)

A Petition under Article 10 of the Family Court Act having been filed with this Court alleging that the above-named child is (a) (an) neglected child (abused child) (severely or repeatedly abused child); and a preliminary hearing having been held by this Court pursuant to Section 1027 of the Family Court Act; and the following person(s) having appeared (with) (without) counsel herein to determine whether the child's interests require protection pending a final order of disposition; and the Court having determined that:

a. Said child's interests (do) (do not) require protection pending a final order of disposition and that continuation of residence by the child in the child's home (would) (would not) be contrary to the welfare and best interests of the child and that temporary removal of said child from (the) place of residence (is) (is not) necessary to avoid imminent risk to said child's life or health. Continued placement of the child in (the) home would be contrary to the welfare and best interests of the child because: (be specific) THE NON-RESPONDENT FATHER informed ACS THAT HE NO LONGER WISHES TO CARE THE CHILD AND THAT HIS HOME IS NOT CONDUCIVE TO HIS DAUGHTER.

b. Imminent risk to the child (ren) (would) (would not) be eliminated by the issuance of an order of protection directing the removal of ANYONE from the child's residence; and

c. Reasonable efforts were made prior to the date of the hearing herein to prevent or eliminate the need for removal from the home. The specific efforts made were: CPS has tried to work with the non-respondent father in caring for the child, but the non-respondent was not fully cleared, and all attempts to contact the father to clear the home were not answered.

c. Reasonable efforts were not made prior to the date of the hearing herein, to prevent or eliminate the need for removal from the home but the lack of such efforts was reasonable and appropriate under the circumstances. The specific reasons why it was not reasonable and appropriate to make such efforts are: _____

Reasonable efforts were not made prior to the date of the hearing herein to prevent or eliminate the need for removal from the home.

d. Reasonable efforts (were) (were not) made to make it possible to return the child home safely; and

e. The Respondent (was) (was not) present at the hearing of this application; and

f. Respondent who was not present was given notice by (): and

g. The removal is necessary because the non-respondent father's home could not be cleared.

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Appendix Z

F.C.A. §§ 1017, 1027

Page 2 of 2

Removal Order (Child Protective) 12/05

Docket #: NN-21794-15Child Name: Karen, Skilling

h. The removal was made pursuant to Family Court Act Section (1021) (1022) (1024); and

i. Based upon the investigation conducted by the Commissioner of Social Services it appears that [specify name] Carolyn Skilling is a suitable person related to the child with whom such child may appropriately reside and such person (seeks approval as a foster parent pursuant to the Social Services Law for the purposes of providing care for such child) (wishes to provide care and custody for the child without foster care subsidy during the pendency of any orders herein) (there is no suitable person related to the child with whom such child may appropriately reside.)

NOW therefore, it is [delete inapplicable provision]:

(ORDERED that the application for protection is hereby denied); (and it is further)

(ORDERED that said CHILD be released to the custody of CAROLYN SKILLING, said child's parent(s) or other person legally responsible for said child's care (under the supervision of ACS)); (and it is further)

(ORDERED that said _____ be temporarily removed from the place where said child is residing by any peace officer or agent of a duly authorized agency, society or institution and that said child be brought to _____ pending further proceedings herein;); (and it is further)

(ORDERED that said CHILD be placed in the custody of CAROLYN SKILLING pending further proceedings herein;); (and it is further)(ORDERED that (Any Hospital) (Any M.D.) is hereby authorized to provide such emergency medical or surgical procedures for the said child as may be necessary to safeguard the child's life or health;); and it is further

(ORDERED that the child protective agency shall (provide)(arrange for) the following services or assistance to the (child) (child's family) pursuant to section 1015-a or 1022(c) of the Family Court Act [specify]: _____); (and it is further)

(ORDERED that if the child remains in foster care or is directly placed pursuant to Sections 1017 or 1055 of the Family Court Act, a permanency hearing shall be held on the following date certain: JULY 28, 2016); (and it is further)

(ORDERED

Dated: 12/15/2015

ENTER

J.F.C.

HON. JOAN L. PICCIRILLO

NOTICE:

PLACEMENT OF YOUR CHILD IN FOSTER CARE MAY RESULT IN THE LOSS OF YOUR PARENTAL RIGHTS TO YOUR CHILD. IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD. ADDITIONALLY, IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: _____
 Order received in court on [specify date(s) and to whom given]: _____

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Appendix Z

Petitioner's

Appendix

Volume 3 of 3

Appendix 2A

Appendix 2A

Family Court Order temporarily placing child
with relative

At a term of the Family Court of the State of New York, held in and for the County of Queens, at Queens County, 151-20 Jamaica Avenue, Jamaica, NY 11432, on December 15, 2015

PRESENT: Hon. Joan L. Piccirillo

In the Matter of

K. S. (DOB: 2009),

A Child under Eighteen Years of Age
Alleged to be Neglected by

File #: 158601
Docket #: NN-21794-15

CPS #: 6982905

ORDER

Theresa Skillings,

Respondent

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

IT IS ORDERED that:

The child is temporarily released to the maternal aunt, Carolyn Skillings under ACS supervision on the following conditions:

- Comply with ACS supervision which is to include announced and unannounced visits.
- The child is to be supervised at all times and is never to be left alone with the Respondent Mother, Ms. Skillings.
- Ensure that the child attend school every day and on time.
- The Respondent Mother is to submit to a mental health evaluation for purposes of establishing a service plan. The report and the findings contained in the report are not to be used for fact finding purposes.
- The Respondent Mother is to engage in a parenting skills class for children with special needs.

Dated: December 15, 2015

ENTER

201512161116340PICCIRI4C133C57A51348C69E814289A7F88E30

Hon. Joan L. Piccirillo

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: _____

Order received in court on [specify date(s) and to whom given]: _____

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Appendix 2A

Appendix 2B

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Appendix 2B

Family Court Order of Protection issued against
Ms. Skillings

ORI No: NY040023J

Order No: 2015-015343

NYSID No: _____

At a term of the Family Court of the State of New York,
held in and for the County of Queens, at Queens County 151-20
Jamaica Avenue, Jamaica, NY 11432, on November 17, 2015

PRESENT: Honorable Joan L. Piccirillo

In the Matter of a NEGLECT Proceeding

K. [REDACTED] S. [REDACTED] (DOB: [REDACTED]/2009),

Child/ren under Eighteen Years of Age Alleged to be Neglected By

File # 158601

Docket # NN-21794-15

Temporary Order of Protection

Both Parties Present in Court

Theresa Skillings (DOB: [REDACTED]/1969),
Respondent.

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

A petition under Article 10 of the Family Court Act, having been filed on November 10, 2015 in this Court and good cause having been shown, and Theresa Skillings having been present in Court and advised of the issuance and contents of this Order,

NOW, THEREFORE, IT IS HEREBY ORDERED that Theresa Skillings (DOB: [REDACTED]/1969) observe the following conditions of behavior:

[01] Stay away from:

[A] K. [REDACTED] S. [REDACTED] (DOB: [REDACTED]/2009) EXCEPT FOR AGENCY SUPERVISED VISITATION SUPERVISED BY AN ACS APPROVED RESOURCE;

It is further ordered that this temporary order of protection shall remain in force until and including December 14, 2015, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

Dated: November 17, 2015

ENTER



Honorable Joan L. Piccirillo

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Appendix 2B

ORI No: NY040023J

Order No: 2015-016580

NYSID No: _____

At a term of the Family Court of the State of New York,
held in and for the County of Queens, at Queens County 151-20
Jamaica Avenue, Jamaica, NY 11432, on December 15, 2015

PRESENT: Honorable Joan L. Piccirillo

In the Matter of a NEGLECT Proceeding

K. S. (DOB: [REDACTED] 2009),

Child/ren under Eighteen Years of Age Alleged to be Neglected By

Theresa Skillings (DOB: [REDACTED] 1969),
Respondent

File # 158601

Docket # NN-21794-15

Temporary Order of Protection

Both Parties Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

A petition under Article 10 of the Family Court Act, having been filed on November 10, 2015 in this Court and good cause having been shown, and Theresa Skillings having been present in Court and advised of the issuance and contents of this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that Theresa Skillings (DOB: [REDACTED] 1969) observe the following conditions of behavior:

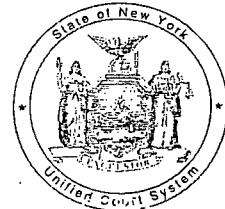
[01] Stay away from:

[A] K. S. (DOB: [REDACTED] /2009) EXCEPT FOR AGENCY SUPERVISED VISITATION SUPERVISED BY AN ACS APPROVED RESOURCE;

It is further ordered that this temporary order of protection shall remain in force until and including July 28, 2016, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

Dated: December 15, 2015

ENTER



Honorable Joan L. Piccirillo

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Appendix 2B

F.C.A §§ 430, 550, 655, 828, 1029

GFS 12/2013

ORI No: NY040023J
 Order No: 2015-016814
 NYSID No: _____

At a term of the Family Court of the State of New York,
 held in and for the County of Queens, at Queens County 151-20
 Jamaica Avenue, Jamaica, NY 11432, on December 18, 2015

PRESENT: Honorable Joan L. Piccirillo
In the Matter of a NEGLECT Proceeding

File # 158601

Katherine Skillings (DOB: [REDACTED] 2009),

Docket # NN-21794-15

Child/ren under Eighteen Years of Age Alleged to be Neglected By

Temporary Order of Protection

Theresa Skillings (DOB: [REDACTED] 1969),
 Respondent

Both Parties Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

A petition under Article 10 of the Family Court Act, having been filed on November 10, 2015 in this Court and good cause having been shown, and Theresa Skillings having been present in Court and advised of the issuance and contents of this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that Theresa Skillings (DOB: [REDACTED] 1969) observe the following conditions of behavior:

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against K. S. [REDACTED] (DOB: [REDACTED] 2009);

[99] Observe such other conditions as are necessary to further the purposes of protection: RESPONDENT Theresa Skillings (DOB: [REDACTED] 1969) IS TO BE SUPERVISED WITH THE CHILD AT ALL TIMES.

It is further ordered that this temporary order of protection shall remain in force until and including July 28, 2016, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

Dated: December 18, 2015

ENTER

Honorable Joan L. Piccirillo

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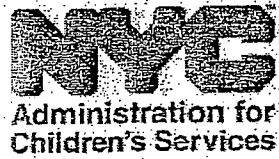
Appendix 2B

Appendix 2C

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Appendix 2C

Letter by ACS caseworker naming the relative as the person to make educational decisions for the child. Ms. Skillings' parental rights have not been terminated.



David A. Hansell
Commissioner

William Fletcher, LCSW
Deputy Commissioner

Marsha Kellam
Assistant Commissioner

Child Welfare Programs
Division of Child Protection

Queens Borough Office
MAIN
165-15 Archer Avenue
Jamaica, New York, 11432

(718) 725-3888 tel
(718) 557-1552 fax

November 5, 2018

Case Name: Theresa Skillings

Case Number: 6982905

Children: K [REDACTED] S [REDACTED] DOB [REDACTED]

ATT: 233Q at PS 42 (488 Beach 66th street Far Rockaway)

My name is Kelly Bradley and I am a Child Protective Specialist working with the above-mentioned family. This letter is to inform you that there is currently NO Order of Protection against Ms. Theresa Skillings. Ms. Theresa Skillings can attend parent teacher conferences and obtain all relevant information regarding her daughter K [REDACTED]. At this time the child is released to her maternal aunt, Ms. Carolyn Skillings, with ACS supervision. Only Ms. Carolyn Skillings can request services or make changes regarding the child's academic needs.

Thank you in advance for your cooperation.

Kelly Bradley
Child Protective Specialist
(718) 725-3890 or (646) 584-5119
Kelly.bradley@acs.nyc.gov
Fax (718) 557-8976

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Appendix 2C

Appendix 2D

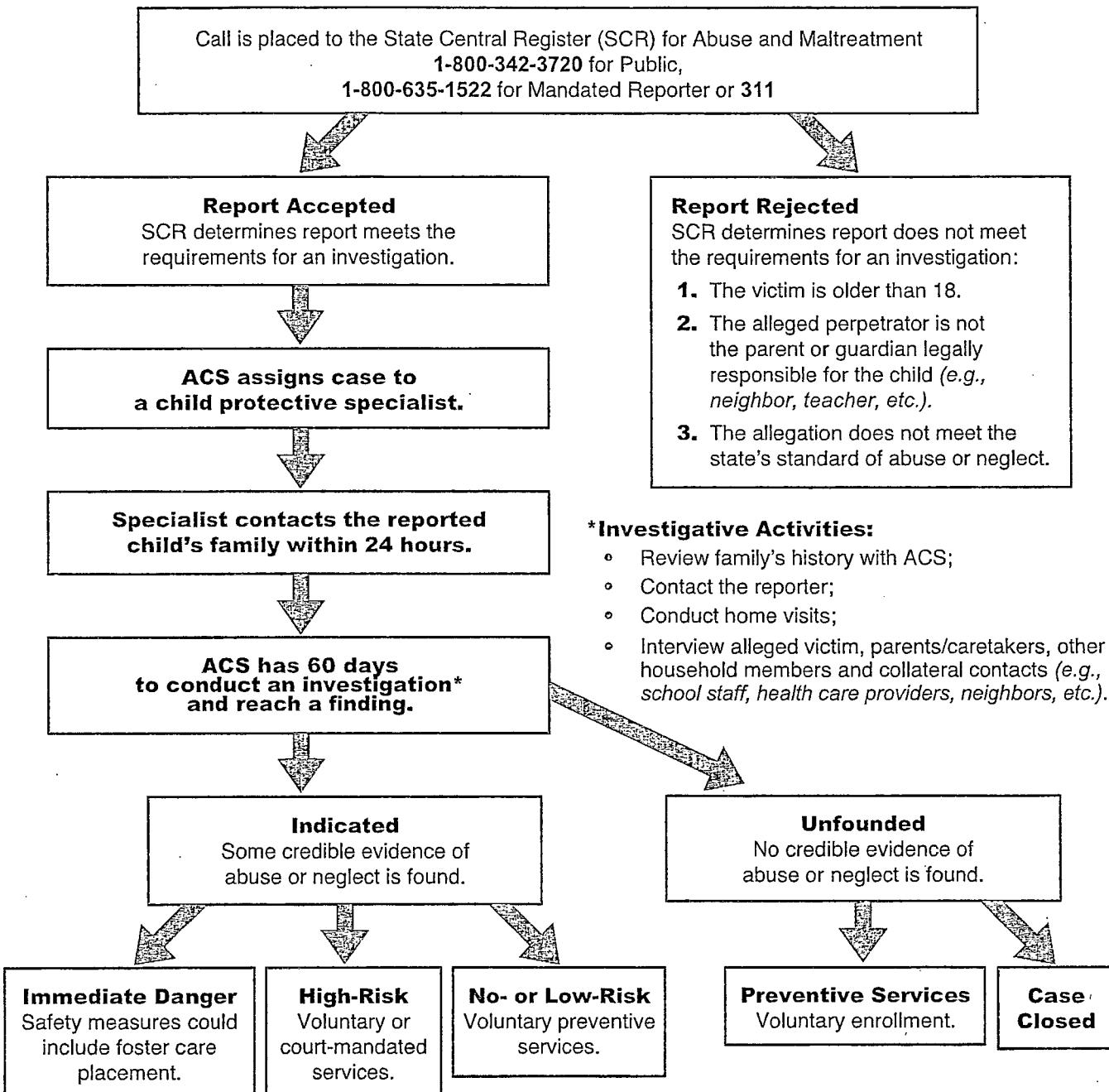
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Appendix 2 D

ACS Investigation Procedure

What Happens When a Suspected Case of Child Abuse or Neglect Is Reported?

New York City Administration for Children's Services Child Protective Investigation



Appendix 2E

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Appendix 2E

New York State Social Services Law (SOS) sections
409 and 409-a

As of 08/25/2020 12:52PM, the Laws database is current through
2020 Chapters 1-56, 58-167

Social Services

§ 409. Preventive services; definition. As used in this title, "preventive services" shall mean supportive and rehabilitative services provided, in accordance with the provisions of this title and regulations of the department, to children and their families for the purpose of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.

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As of 08/25/2020 12:52PM, the Laws database is current through
2020 Chapters 1-56, 58-167

Social Services

§ 409-a. Preventive services; provision by social services officials.

1. (a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this chapter and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this chapter, upon a finding by such official that (i) the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care or * (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this subparagraph.

* NB Effective until June 30, 2022

* (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines according to standards promulgated pursuant to section three hundred ninety-eight-b of this chapter that the child is at risk of placement into foster care. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to clause (ii) of this paragraph.

* NB Effective June 30, 2022

(b) When a child and his family have received preventive services for a period of six months pursuant to this subdivision, the social services official shall continue to provide such services only upon making a new finding that the child will be placed or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services, the child will be able to remain with or be returned to his family. Such new finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter.

2. A social services official is authorized to provide preventive services to a child and his family to accomplish the purposes set forth

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in section four hundred nine of this chapter, when such services are not required to be provided pursuant to subdivision one of this section.

3. * (a) A social services official is authorized to provide community preventive services to communities likely to benefit from such services to accomplish the purposes set forth in section four hundred nine of

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this chapter. Social services officials may apply to the office of children and family services for waiver of eligibility and administrative requirements for preventive services to be provided pursuant to this subdivision. Such application shall include a plan setting forth the services to be provided, the persons or community that will receive the services and the estimated cost of such services. Upon approval of the application by the office of children and family services, eligibility requirements established in statute or regulation may be waived for those persons and communities identified in the plan as recipients of the services set forth in the plan. Where services are administered pursuant to a plan approved by the office of children and family services, the office of children and family services may waive the requirements of section four hundred nine-f or four hundred forty-two of this article.

* NB Effective until June 30, 2022

(a) A social services official is authorized to provide community preventive services to communities likely to benefit from such services to accomplish the purposes set forth in section four hundred nine of this chapter. Social services officials may apply to the department for waiver of eligibility and administrative requirements for preventive services to be provided pursuant to this subdivision. Such application shall include a plan setting forth the services to be provided, the persons or community that will receive the services and the estimated cost of such services. Upon approval of the application by the department, eligibility requirements established in statute or regulation may be waived for those persons and communities identified in the plan as recipients of the services set forth in the plan. Where services are administered pursuant to a plan approved by the department, the department may waive the requirements of sections one hundred fifty-three-d and three hundred ninety-eight-b of this chapter pertaining to denial or reimbursement. Where such a waiver is approved, the department approval must specify standards whereby services provided will be subject to denial of reimbursement. Where services are administered pursuant to a plan approved by the department, the department may waive the requirements of section four hundred nine-f or four hundred forty-two of this article.

* NB Effective June 30, 2022

(b) The department must inform social services districts of procedures governing application for waivers of eligibility and administrative requirements and approval of waivers of eligibility and administrative requirements. Where such waivers are granted, the department shall have the authority to establish alternative standards to be followed by social services officials who are granted waivers by the department. Upon approval of an application for such waivers, the department approval must specify the requirements being waived and any alternative standards established.

(c) Community preventive services may be provided pursuant to this subdivision through demonstration projects to the extent the department makes funds available for such projects.

(d) The department shall develop an evaluation plan no later than April first, nineteen hundred eighty-eight, for community service demonstration projects and, subject to the approval of the director of the budget, may use up to five percent of the amount annually appropriated for project grants to conduct such evaluation which shall include but need not be limited to: an assessment of the effectiveness of various service delivery models in creating or enhancing linkages among school, housing, health, and income support services available in the community; the effectiveness of various preventive services in

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averting family disruption; the cost effectiveness of providing community focused preventive services; the impact of this service provision on requirements for more intensive mandated preventive services; and, the feasibility of replicating successful service models in other communities throughout the state.

4. Preventive services may be provided directly by the social services official or through purchase of service, in accordance with regulations of the department.

5. (a) Regulations of the department, promulgated pursuant to and not inconsistent with this section, shall contain program standards including, but not limited to: specification of services to be classified as preventive services; appropriate circumstances and conditions for the provision of particular services; appropriate providers and recipients of such services; and time limits, as may be appropriate, for the provision of particular services. The department shall, subject to the approval of the director of the budget, establish reimbursement or charge limitations for particular services or groups of services to be provided. The department shall also promulgate regulations to prevent social services districts from overutilizing particular forms or types of preventive services and to encourage districts to provide balanced preventive services programs based on the identified needs of children and families residing in such districts.

(b) The program standards promulgated pursuant to this subdivision shall be developed with the participation of the child welfare standards advisory council established pursuant to section four hundred nine-h of this chapter and in consultation with public and voluntary authorized agencies, citizens' groups and concerned individuals and organizations, including the state council on children and families.

(c) Notwithstanding any other provision of this section, where a social services official determines that a lack of adequate housing is the primary factor preventing the discharge of a child or children from foster care including, but not limited to, children with the goal of discharge to independent living, preventive services shall include, in addition to any other payments or benefits received by the family, special cash grants in the form of rent subsidies, including rent arrears, or any other assistance, sufficient to obtain adequate housing. Such rent subsidies or assistance shall not exceed the sum of three hundred dollars per month, shall not be provided for a period of more than three years, and shall be considered a special grant. Nothing in this paragraph shall be construed to limit the ability of those using such rent subsidy to live with roommates. The provisions of this paragraph shall not be construed to limit such official's authority to provide other preventive services.

(e) (i) A social services official is authorized to establish and operate, or contract for the establishment and operation of, intensive, homebased, family preservation programs.

(ii) Notwithstanding any other provision of law, reimbursement for intensive, homebased family preservation services shall be limited to those programs that reduce or avoid the need for foster care of children who are in imminent danger of placement. Such programs shall employ caseworkers trained in family preservation techniques and who provide at least half of their direct services in the client's residence or temporary home, work with no more than four families at any given time, provide direct therapeutic services for up to thirty days which may be extended up to an additional thirty days per family and are available twenty-four hours a day. No program described herein shall receive reimbursement unless such program agrees to collect and provide to the department information necessary to evaluate and assess the degree to

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which such program results in lower costs to the state and to social services districts than those of foster care placement. Such information shall be compiled in a manner that permits comparisons between families served by such programs and those families who meet eligibility criteria but who were not able to be served within available resources.

(f) Notwithstanding any other provision of law, where a social services official authorizes the provision of respite care, such care shall mean the temporary care and supervision of a child to relieve parents or other persons legally responsible for the care of such child where immediate relief is needed to maintain or restore family functioning.

6. In accordance with regulations of the department, where the child's family is able to pay all or part of the cost of such services, payments of such fees as may be reasonable or other third party reimbursement as may be available in the light of such ability shall be required. Expenditures subject to reimbursement pursuant to section four hundred nine-b of this title shall be reduced by the sum of all fees received or to be received pursuant to this subdivision.

* 7. Notwithstanding any other provision of this section, if a social services official determines that a lack of adequate housing is a factor that may cause the entry of a child or children into foster care and the family has at least one service need other than lack of adequate housing, preventive services may include, in addition to any other payments or benefits received by the family, special cash grants in the form of rent subsidies, including rent arrears, or any other assistance, sufficient to obtain adequate housing. Such rent subsidies or assistance shall not exceed the sum of three hundred dollars per month, shall not be provided for a period of more than three years, and shall be considered a special grant. Nothing in this subdivision shall be construed to limit the ability of those using such rent subsidy to live with roommates. The provisions of this paragraph shall not be construed to limit such official's authority to provide other preventive services.

* NB There are two sub 7's

* 7. Notwithstanding any other provision of law, preventive services information governed by this section may be released by the department, social services district or other provider of preventive services to a person, agency or organization for purposes of a bona fide research project. Identifying information shall not be made available, however, unless it is absolutely essential to the research purpose and the department gives prior approval. Information released pursuant to this subdivision shall not be re-disclosed except as otherwise permitted by law and upon the approval of the department.

* NB There are 2 sub 7's

8. In contracting for the provision of preventive services, social services districts shall, to the extent feasible, place such services in areas with a high rate of child abuse and neglect and foster care placements. Social services districts shall, to the extent feasible, consider as a priority community-based organizations with a record of providing quality services to children and families in such communities.

9. (a) Notwithstanding any provision of law to the contrary, records relating to children pursuant to this section shall be made available to officers and employees of the state comptroller, or of the city comptroller of the city of New York, or of the county officer designated by law or charter to perform the auditing function in any county not wholly contained within a city, for purposes of a duly authorized performance audit, provided, however that such comptroller or officer shall have certified to the keeper of such records that he or she has instituted procedures developed in consultation with the department to

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limit access to client-identifiable information to persons requiring such information for purposes of the audit, that such persons shall not use such information in any way except for purposes of the audit and that appropriate controls and prohibitions are imposed on the dissemination of client-identifiable information obtained in the conduct of the audit. Information pertaining to the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family shall not be made available to such officers and employees unless disclosure of such information is absolutely essential to the specific audit activity and the department gives prior written approval.

(b) Any failure to maintain the confidentiality of client-identifiable information shall subject such comptroller or officer to denial of any further access to records until such time as the audit agency has reviewed its procedures concerning controls and prohibitions imposed on the dissemination of such information and has taken all reasonable and appropriate steps to eliminate such lapses in maintaining confidentiality to the satisfaction of the department. The department shall establish the grounds for denial of access to records contained under this section and shall recommend as necessary a plan of remediation to the audit agency, except as provided in this section, nothing in this subdivision shall be construed as limiting the powers of such comptroller or officer to records which he is otherwise authorized to audit or obtain under any other applicable provision of law, any person given access to information pursuant to this subdivision who released data or information to persons or agencies not authorized to receive such information shall be guilty of a class A misdemeanor.

10. All sums received by the state under section 201 of Federal Public Law 105-89 shall be paid to the districts in proportion to the amount earned by the district for federal adoption incentives and shall only be used to provide preventive services to a child and his or her family as defined in paragraph (a) of subdivision five of this section, in addition to those required by the maintenance of effort requirement contained in subdivision six of section one hundred fifty-three-i of this chapter, except that up to thirty percent of such sums may be used to provide post-adoption services to children or families. Preventive services shall include substance abuse treatment services provided to pregnant women or a caretaker person in an outpatient, residential or in-patient setting. Amounts expended by the state in accordance with this section shall be disregarded in determining the state's expenditures for purposes of federal matching payments under sections four hundred twenty-three, four hundred thirty-four and four hundred seventy-four of this chapter.

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New York State Family Court Act (FCT) section 1055

As of 08/25/2020 12:52PM, the Laws database is current through
2020 Chapters 1-56, 58-167

Family Court

§ 1055. Placement. (a) (i) For purposes of section one thousand fifty-two of this part the court may place the child in the custody of a relative or other suitable person pursuant to this article, or of the local commissioner of social services or of such other officer, board or department as may be authorized to receive children as public charges, or a duly authorized association, agency, society or in an institution suitable for the placement of a child. The court may also place a child who it finds to be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law with the local commissioner of social services for placement in an available long-term safe house. The court may also place the child in the custody of the local commissioner of social services and may direct such commissioner to have the child reside with a relative or other suitable person who has indicated a desire to become a foster parent for the child and further direct such commissioner, pursuant to regulations of the office of children and family services, to commence an investigation of the home of such relative or other suitable person within twenty-four hours and thereafter expedite approval or certification of such relative or other suitable person, if qualified, as a foster parent. If such home is found to be unqualified for approval or certification, the local commissioner shall report such fact to the court forthwith so that the court may make a placement determination that is in the best interests of the child.

(ii) An order placing a child directly with a relative or other suitable person pursuant to this part may not be granted unless the relative or other suitable person consents to the jurisdiction of the court. The court may place the person with whom the child has been directly placed under supervision of a child protective agency, social services official or duly authorized agency during the pendency of the proceeding. The court also may issue an order of protection under section one thousand fifty-six of this part. An order of supervision issued pursuant to this subdivision shall set forth the terms and conditions that the relative or suitable person must meet and the actions that the child protective agency, social services official or duly authorized agency must take to exercise such supervision.

(b) (i) The court shall state on the record its findings supporting the placement in any order of placement made under this section. The order of placement shall include, but not be limited to:

(A) a description of the visitation plan;

(B) a direction that the respondent or respondents shall be notified of the planning conference or conferences to be held pursuant to subdivision three of section four hundred nine-e of the social services law, of their right to attend the conference, and of their right to have counsel or another representative or companion with them;

(C) a date certain for the permanency hearing, which may be the previously-scheduled date certain, but in no event more than eight months from the date of removal of the child from his or her home. Provided, however, that if there is a sibling or half-sibling of the child who was previously removed from the home pursuant to this article, the date certain for the permanency hearing shall be the date certain previously scheduled for the sibling or half-sibling of the child who was the first child removed from the home, where such sibling or half-sibling has a permanency hearing date certain scheduled within the

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next eight months, but in no event later than eight months from the date of removal of the child from his or her home;

(D) a notice that if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to

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file a petition to terminate parental rights. A copy of the court's order and the service plan shall be given to the respondent; and

(E) where the permanency goal is return to the parent and it is anticipated that the child may be finally discharged to his or her parent before the next scheduled permanency hearing, the court may provide the local social services district with authority to finally discharge the child to the parent without further court hearing, provided that ten days prior written notice is served upon the court and the attorney for the child. If the court on its own motion or the attorney for the child on motion to the court does not request the matter to be brought for review before final discharge, no further permanency hearings will be required. The local social services district may also discharge the child on a trial basis to the parent unless the court has prohibited such trial discharge or unless the court has conditioned such trial discharge on another event. For the purposes of this section, trial discharge shall mean that the child is physically returned to the parent while the child remains in the care and custody of the local social services district. Permanency hearings shall continue to be held for any child who has returned to his or her parents on a trial discharge. Where the permanency goal for a youth aging out of foster care is another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the youth, the local social services district may also discharge the youth on a trial basis to the planned permanent living arrangements, unless the court has prohibited or otherwise conditioned such a trial discharge. Trial discharge for a youth aging out of foster care shall mean that a youth is physically discharged but the local social services district retains care and custody or custody and guardianship of the youth and there remains a date certain for the scheduled permanency hearing. Trial discharge for a youth aging out of foster care may be extended at each scheduled permanency hearing, until the child reaches the age of twenty-one, if a child over the age of eighteen consents to such extension. Prior to finally discharging a youth aging out of foster care to another planned permanent living arrangement, the local social services official shall give the youth notice of the right to apply to reenter foster care within the earlier of twenty-four months of the final discharge or the youth's twenty-first birthday in accordance with article ten-B of this act. Such notice shall also advise the youth that reentry into foster care will only be available where the former foster care youth has no reasonable alternative to foster care and consents to enrollment in and attendance at an appropriate educational or vocational program in accordance with paragraph two of subdivision (a) of section one thousand ninety-one of this act. Children placed under this section shall be placed until the court completes the initial permanency hearing scheduled pursuant to article ten-A of this act. Should the court determine pursuant to article ten-A of this act that placement shall be extended beyond completion of the scheduled permanency hearing, such extended placement and any such successive extensions of placement shall expire at the completion of the next scheduled permanency hearing, unless the court shall determine, pursuant to article ten-A of this act, to continue to extend such placement.

(ii) Upon placing a child under the age of one, who has been abandoned, with a local commissioner of social services, the court shall, where either of the parents do not appear after due notice, include in its order of disposition pursuant to section one thousand fifty-two of this part, a direction that such commissioner shall promptly commence a diligent search to locate the child's non-appearing

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parent or parents or other known relatives who are legally responsible for the child, and to commence a proceeding to commit the guardianship and custody of such child to an authorized agency pursuant to section three hundred eighty-four-b of the social services law, six months from the date that care and custody of the child was transferred to the commissioner, unless there has been communication and visitation between such child and such parent or parents or other known relatives or persons legally responsible for the child. In addition to such diligent search the local commissioner of social services shall provide written notice to the child's parent or parents or other known relatives or persons legally responsible as provided for in this paragraph. Such notice shall be served upon such parent or parents or other known relatives or persons legally responsible in the manner required for service of process pursuant to section six hundred seventeen of this act. Information regarding such diligent search, including, but not limited to, the name, last known address, social security number, employer's address and any other identifying information to the extent known regarding the non-appearing parent, shall be recorded in the uniform case record maintained pursuant to section four hundred nine-f of the social services law.

(iii) Notice as required by paragraph (ii) of this subdivision shall state:

(A) that the local commissioner of social services shall initiate a proceeding to commit the guardianship and custody of the subject child to an authorized agency and that such proceeding shall be commenced six months from the date the child was placed in the care and custody of such commissioner with such date to be specified in the notice;

(B) that there has been no visitation and communication between the parent and the child since the child has been placed with the local commissioner of social services and that if no such visitation and communication with the child occurs within six months of the date the child was placed with such commissioner the child will be deemed an abandoned child as defined in section three hundred eighty-four-b of the social services law and a proceeding will be commenced to commit the guardianship and custody of the subject child to an authorized agency;

(C) that it is the legal responsibility of the local commissioner of social services to reunite and reconcile families whenever possible and to offer services and assistance for that purpose;

(D) the name, address and telephone number of the caseworker assigned to the subject child who can provide information, services and assistance with respect to reuniting the family;

(E) that it is the responsibility of the parent, relative or other person legally responsible for the child to visit and communicate with the child and that such visitation and communication may avoid the necessity of initiating a petition for the transfer of custody and guardianship of the child.

Such notice shall be printed in both Spanish and English and contain in conspicuous print and in plain language the information set forth in this paragraph.

(c) In addition to or in lieu of an order of placement made pursuant to subdivision (b) of this section, the court may make an order directing a child protective agency, social services official or other duly authorized agency to undertake diligent efforts to encourage and strengthen the parental relationship when it finds such efforts will not be detrimental to the best interests of the child. Such efforts shall include encouraging and facilitating visitation with the child by the parent or other person legally responsible for the child's care. Such order may include a specific plan of action for such agency or official

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including, but not limited to, requirements that such agency or official assist the parent or other person responsible for the child's care in obtaining adequate housing, employment, counseling, medical care or psychiatric treatment. Such order shall also include encouraging and facilitating visitation with the child by the non-custodial parent and grandparents who have obtained orders pursuant to part eight of this article, and may include encouraging and facilitating visitation with the child by the child's siblings. The order may incorporate an order, if any, issued pursuant to subdivision (c) of section one thousand twenty-seven-a or one thousand eighty-one of this article, provided that such visitation or contact is in the best interests of the child and his or her siblings. For purposes of this section, "siblings" shall include half-siblings and those who would be deemed siblings or half-siblings but for the termination of parental rights of death of a parent. Nothing in this subdivision shall be deemed to limit the authority of the court to make an order pursuant to section two hundred fifty-five of this act.

(d) In addition to or in lieu of an order of placement made pursuant to subdivision (b) of this section, the court may make an order directing a social services official or other duly authorized agency to institute a proceeding to legally free the child for adoption, if the court finds reasonable cause to believe that grounds therefor exist. Upon a failure by such official or agency to institute such a proceeding within ninety days after entry of such order, the court shall permit the foster parent or parents in whose home the child resides to institute such a proceeding unless the social services official or other duly authorized agency caring for the child, for good cause shown and upon due notice to all parties to the proceeding, has obtained a modification or extension of such order, or unless the court has reasonable cause to believe that such foster parent or parents would not obtain approval of their petition to adopt the children in a subsequent adoption proceeding.

(e) No placement may be made or continued under this section beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday. However, a former foster care youth under the age of twenty-one who was previously discharged from foster care due to a failure to consent to continuation of placement may make a motion pursuant to section one thousand ninety-one of this act to return to the custody of the local commissioner of social services or other officer, board or department authorized to receive children as public charges. In such motion, the youth must consent to enrollment in and attendance at a vocational or educational program in accordance with paragraph two of subdivision (a) of section one thousand ninety-one of this act.

(f) If a child is placed in the custody of the local commissioner of social services or other officer, board or department authorized to receive children as public charges, such person shall provide for such child as authorized by law, including, but not limited to section three hundred ninety-eight of the social services law.

(g) If the parent or person legally responsible for the care of any such child or with whom such child resides receives public assistance and care, any portion of which is attributable to such child, a copy of the order of the court providing for the placement of such child from his or her home shall be furnished to the appropriate social services official, who shall reduce the public assistance and care furnished such parent or other person by the amount attributable to such child, provided, however, that when the child service plan prepared pursuant to section four hundred nine-e of the social services law includes a goal of discharge of the child to the parent or person legally responsible

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for the care of the child or other member of the household, such social services official shall not, to the extent that federal reimbursement is available therefor, reduce the portion attributable to such child which is intended to meet the cost of shelter and fuel for heating.

(h) Any order made under this section shall be suspended upon the entry of an order of disposition with respect to a child whose custody and guardianship have been committed pursuant to section three hundred eighty-four-b of the social services law, and shall expire upon the expiration of the time for appeal of such order or upon the final determination of any such appeal and any subsequent appeals authorized by law; provided, however, that where custody and guardianship have been committed pursuant to section three hundred eighty-four-b of the social services law or where the child has been surrendered pursuant to section three hundred eighty-three-c or three hundred eighty-four of the social services law, the child shall nonetheless be deemed to continue in foster care until such time as an adoption or other alternative living arrangement is finalized. A permanency hearing or hearings regarding such child shall be conducted in accordance with article ten-A of this act. Nothing in this subdivision shall cause such order of placement to be suspended or to expire with respect to any parent or other person whose consent is required for an adoption against whom an order of disposition committing guardianship and custody of the child has not been made.

(i) In making an order under this section, the court may direct a local commissioner of social services to place the subject child together with minor siblings or half-siblings who have been placed in the custody of the commissioner, or to provide or arrange for regular visitation and other forms of communication between such child and siblings where the court finds that such placement or visitation and communication is in the child's best interests. Placement or regular visitation and communication with siblings or half-siblings shall be presumptively in the child's best interests unless such placement or visitation and communication would be contrary to the child's health, safety or welfare, or the lack of geographic proximity precludes or prevents visitation.

(j) In any case in which an order has been issued pursuant to this section placing a child in the custody or care of the commissioner of social services, the social services official or authorized agency charged with custody of the child shall report any anticipated change in placement to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to change the placement or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

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Appendix 2G

Appendix 2G

Family Court Permenancy Hearing Order

- The Permenancy Goal states reunification with parent.

- Mother is engaged in services.
- Father now lives in North Carolina.
- Agency has monitored the foster home.
- Agency has monitored the home.
- Agency has monitored the mother's compliance with services.
- Mother is taking a more active role in the daily care of the child-but child refuses to sleep in her own bed. Child sleeps in her aunt's room.
- Child will not be persuaded to sleep in her own bed in her mother's room.
- The mother, child and maternal aunt all live in a family home.
- Agency has discretion to trial discharge the child on notice to all counsel and the court.

This determination is based upon the following information:

- permanency report, sworn to on July 11, 2019.
- Exhibits
- Notice

Findings and Orders

THE COURT ORDERS that:

PLACEMENT:

K [REDACTED] S [REDACTED] is placed or shall continue to be placed in the custody of the Commissioner of Social Services until the completion of the next permanency hearing or pending further orders of this court.

ABSCONDING

If the child absconds from the above-named custodial person or facility, written notice shall be given within 48 hours to the Clerk of Court by the custodial person or by an authorized representative of the facility, stating the name of the child, the docket number of this proceeding, and the date on which the child ran away.

Permanency Goal

The Petitioner's permanency goal for the child which is to be achieved by the next permanency hearing date is approved: reunification with the parent(s);

Any modifications of the Permanency Goal shall be given by Petitioner to the parent(s) or other person(s) legally responsible for the child's care, with a copy of this Order.

No modification of the approved permanency goal shall be made without prior court approval.

Future Reasonable Efforts Ordered by the Court

EDUCATION PLAN

The educational and vocational components of the child's permanency plan are appropriate.

Appendix 2H

Appendix 2 H

New York State Social Services Law (SOS)

section 409-e

As of 08/25/2020 12:52PM, the Laws database is current through
2020 Chapters 1-56, 58-167

Social Services

§ 409-e. Family service plan. 1. With respect to each child who is identified by a local social services district as being considered for placement in foster care as defined in section one thousand eighty-seven of the family court act by a social services district, such district, within thirty days from the date of such identification, shall perform an assessment of the child and his or her family circumstances. Where a child has been removed from his or her home, within thirty days of such removal the local social services district shall perform an assessment of the child and his or her family circumstances, or update any assessment performed when the child was considered for placement. Any assessment shall be in accordance with such uniform procedures and criteria as the office of children and family services shall by regulation prescribe. Such assessment shall include the following:

(a) a statement of the specific immediate problems which appear to require some intervention by the social services officials;

(b) a description of the long term family relationships, an assessment of trends in the stability of the family unit, and of the likelihood that specific preventive services will increase family stabilization sufficiently to prevent placement or to reduce the duration of a necessary placement;

(c) an estimate of the time period necessary to ameliorate the conditions leading to a need for placement, and a description of any immediate actions that have been taken or must be taken during or immediately after the conclusion of the assessment; and

(d) where placement in foster care is determined necessary, the reasonable efforts made to prevent or eliminate the need for placement or the reason such efforts were not made, the kind and level of placement and the reasons therefor, whether the child will be placed with the child's siblings and half-siblings and, if not, the reasons therefor and the arrangements made for contact between the siblings and half-siblings, identification of all available placement alternatives and the specific reasons why they were rejected, an estimate of the anticipated duration of placement, and plan for termination of services under appropriate circumstances, with specific explanation of the reasons for such termination plan.

2. Upon completion of any assessment provided for in subdivision one of this section, and not later than thirty days after placement of a child in foster care pursuant to article three or seven of the family court act or not later than thirty days after a child is removed from his or her home, the local social services district shall establish or update and maintain a family service plan based on the assessment required by subdivision one of this section. The plan shall be prepared in consultation with the child's parent or guardian, unless such person is unavailable or unwilling to participate, or such participation would be harmful to the child, and with the child if the child is ten years of age or older, and, where appropriate, with the child's siblings. Such consultation shall be done in person, unless such a meeting is impracticable or would be harmful to the child. If it is impracticable to hold such consultation in person, such consultation may be done through the use of technology, including but not limited to, videoconferencing and teleconference technology. If the parent is incarcerated or residing in a residential drug treatment facility, the plan shall reflect the special circumstances and needs of the child and

the family. The plan shall include at least the following:

(a) time frames for periodic reassessment of the care and maintenance needs of each child and the manner in which such reassessments are to be accomplished;

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(b) short term, intermediate and long range goals for the child and family and actions planned to meet the need of the child and family and each goal;

(c) identification of necessary and appropriate services and assistance to the child and members of the child's family. The services so identified shall, before being included in the family service plan, be assessed to determine the projected effectiveness of such plan including but not limited to the following considerations:

(i) the family's concurrence with the plan;

(ii) the ability and motivation of the family to access services, including geographic accessibility;

(iii) the relatedness of the services to the family's needs and its socio-economic and cultural circumstances; and

(iv) other factors which may impact upon the effectiveness of such plan. The service plan shall also describe the availability of such services and the manner in which they are to be provided;

(d) any alternative plans for services where specific services are not available, and any viable options for services considered during the planning process;

(e) where placement in foster care is determined necessary, specification of the reasons for such determination, the kind and level of placement, any available placement alternatives, an estimate of the anticipated duration of placement, and plan for termination of services under appropriate circumstances.

3. The plan shall be reviewed and revised, in accordance with the procedures and standards in subdivision two of this section, at least within the first ninety days following the date the child was first considered for placement in foster care, and, if the child has been placed in foster care pursuant to article three or seven of the family court act or removed from his or her home, within the first ninety days following the date of placement or removal. The plan shall be further reviewed and revised not later than one hundred twenty days from this initial review and at least every six months thereafter; provided, however, that if a sibling or half-sibling of the child has previously been considered for placement or removed from the home, the plan shall be further reviewed and revised on the schedule established for the family based on the earliest of those events. Such revisions shall indicate the types, dates and sources of services that have actually been provided and an evaluation of the efficacy of such services, and any necessary or desirable revisions in goals or planned services. The review and revision of the plan shall be prepared in consultation with the child's parent or guardian, unless such person is unavailable or unwilling to participate, or such participation would be harmful to the child, and with the child if the child is ten years of age or older, and, where appropriate, with the child's siblings. Such consultation shall be done in person, unless such a meeting is impracticable or would be harmful to the child. If it is impracticable to hold such consultation in person, such consultation may be done through the use of technology, including but not limited to, videoconferencing and teleconference technology.

4. In accordance with regulations of the department, relevant portions of the assessment of the child and family circumstances, including but not limited to the material described in paragraph (d) of subdivision one of this section, and a complete copy of the family service plan, established pursuant to subdivisions one and two, respectively, of this section shall be given to the child's parent or guardian, counsel for such parent or guardian, and the child's attorney, if any, within ten days of preparation of any such plan.

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5. The family service plan developed in regard to a child in foster care pursuant to this section shall include the permanency plan provided to the court in accordance with the family court act and this chapter.

6. Nothing in this section shall require a social services district to complete an assessment or service plan for a child who is in the custody of the office of children and family services, unless the child is also in the care and custody or custody and guardianship of the commissioner of the social services district.

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Appendix 2I

Appendix 2 I

Documentation of Completed Requirements

Ms. Skillings completed various mandates such as: Court ordered mental health evaluations, parenting classes, and special education workshops. Ms. Skillings' participation in therapy was her own decision and wasn't required.



NEW YORK CITY
HEALTH AND
HOSPITALS
CORPORATION

ny.gov/hhc

Queens Family Court MHS 151-20 Jamaica Avenue, Rm A-460 Jamaica, NY 11432
Fax: 718-658-4010 Tel: 718-658-3502

Today's Date: *8/5/10/10*

T. SKILLINGS

Docket Number: *NN2(794/1)*

Court Adjournment Date: *7/20/16*

Judge _____ of the Family Court of the State of New York has ordered the Family Court Mental Health Clinic to conduct a psychological/psychiatric evaluation of you in connection with the case now pending before the Court. Please come to the following address:

151-20 Jamaica Avenue, Jamaica, NY 11432. 4th Floor, Room A-460.

It is very important that you keep this appointment and that you be prompt, therefore, you should allow yourself extra time. Please be prepared to be in the clinic two (2) to four (4) hours. Leave the entire morning and early afternoon open.

If you will not be able to attend, please call (718) 658-3147, before the date of the scheduled appointment.

Young children who are not scheduled for an appointment may be left in the nursery located in the lobby of the Family Court building.

Please read the back of this page for important information

El Juez/La Jueza _____ de la Corte de Familia de la Ciudad de Nueva York, ha ordenado que la Clínica de Salud Mental de la Corte de Familia de la Ciudad de Nueva York, conduzca una evaluación psicológica/psiquiátrica de usted en relación al caso que tiene pendiente ante la Corte. (Por) Favor presentarse a la siguiente dirección:

151-20 Jamaica Avenue, Jamaica, NY 11432. Cuarto Piso, Sala A-460.

Es importante que mantenga su cita y que sea puntual, por lo tanto permítase tiempo adicional para asistir a su cita. Por favor esté disponible para estar en la clínica dos (2) a cuatro (4) horas. Deje toda la mañana y parte de la tarde libre.

Si usted no puede asistir a su cita, por favor llame al (718) 658-3147, antes de la fecha indicada en esta carta.

Niños que no tienen cita, y vienen con usted, pueden quedarse en la guardería localizada en el primer piso del tribunal de familia.

*Por favor lea la parte de atrás de esta página para obtener información importante *

Name/Nombre

Date of Appt./Fecha de la Cita

Time/Hora

T. SKILLINGS *6/7/16* *10:00*
App 159 *Appendix 2I*

If you or your child is being evaluated, please try to have the following information with you at the appointment:

- Your child's school information: Name, address, attendance, report card (if available), IEP classification (if applicable) and school counselor contact information.
- The names and addresses of any programs you and/or your child are currently attending or have attended in the past (e.g., counseling, anger management, substance abuse services, parenting classes, domestic violence services, sex offenders program).
- If you or your child are currently prescribed medication, provide the name and dosage of each medication (feel free to bring the medication bottles if more convenient).

If you or your child need any special scheduling or other accommodations (e.g., physical, religious, language) please let us know ahead of time.

Por favor, si usted o su hijo/a está siendo evaluado, traiga con usted la siguiente información a su cita:

- Información escolar de su hijo/a: Nombre de la escuela y su dirección, asistencia escolar, boleta de calificaciones (si está disponible), la más reciente evaluación escolar o clasificación educativa (si aplica).
- El nombre y dirección de cualquier programa que usted o su hijo/a este asistiendo o haya asistido (Por ejemplo: terapia, servicios para abuso de sustancias, clases de padres, servicios de violencia doméstica, programa de ofensor sexual).
- Si usted o su hijo/a está tomando algún medicamento, traiga el nombre y la dosis de los medicamentos (puede traer los frascos de los medicamentos si es necesario).

Si usted o su hijo/a tiene alguna solicitud especial (física, religiosa, de idioma) por favor háganos saber antes de su cita.


Sincerely/Sinceramente
R. LoRe, M.A.
Clinic Director/Director de Clínica

Hand/Mail cc:



FAMILY COURT MENTAL HEALTH SERVICES
 151-20 Jamaica Avenue
 Agency Building, 4th Floor, Room A460
 Jamaica, New York 11432
 Office: (718) 658-3147 Fax: (718) 658-4010

Today's Date: July 18, 2018

Ms. Theresa Skillings

187-01 Ludlum Avenue

Jamaica, NY 11412

Docket Number: NN 21794/15

Court Adjournment Date: 1/7/19

Judge Piccirillo of the Family Court of the State of New York has ordered the Family Court Mental Health Clinic to conduct a psychological/psychiatric evaluation of you in connection with the case now pending before the Court. Please come to the following address:

151-20 Jamaica Avenue, Jamaica, NY 11432, 4th Floor, Room A-460.

It is very important that you keep this appointment and that you be prompt, therefore, you should allow yourself extra time. Please be prepared to be in the clinic two (2) to four (4) hours. Leave the entire morning and early afternoon open.

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Please read the back of this page for important information

El Juez/La Jueza Piccirillo de la Corte de Familia de la Ciudad de Nueva York, ha ordenado que la Clínica de Salud Mental de la Corte de Familia de la Ciudad de Nueva York, conduzca una evaluación psicológica/psiquiátrica de usted en relación al caso que tiene pendiente ante la Corte. (Por) Favor presentarse a la siguiente dirección:

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Es importante que mantenga su cita y que sea puntual, por lo tanto permítase tiempo adicional para asistir a su cita. Por favor esté disponible para estar en la clínica dos (2) a cuatro (4) horas. Deje toda la mañana y parte de la tarde libre.

Si usted no puede asistir a su cita, por favor llame al (718) 658-3147, antes de la fecha indicada en esta carta.

Niños que no tienen cita, y vienen con usted, pueden quedarse en la guardería localizada en el primer piso del tribunal de familia.

*Por favor lea la parte de atrás de esta página para obtener información importante *

Name/Nombre

Ms. Theresa Skillings

Date of Appt./Fecha de la Cita

9/4/18 (Interview)

Time/Hora

10:00am

9/7/18 (Observation with child)

10:00am

Mrs. Skillings attended.
 Mrs. Skillings attended.

Dr. M. Jane 9/4/18
 M. Jane 9/7/18

include nyc

116 E. 16TH ST., 5TH FLOOR, NEW YORK, NY 10003
TEL (212) 677-4650 • WWW.INCLUDENYC.ORG

August 11th, 2017

Re:

Theresa Skillings
18701 Ludlum Avenue
Saint Albans, New York 11412

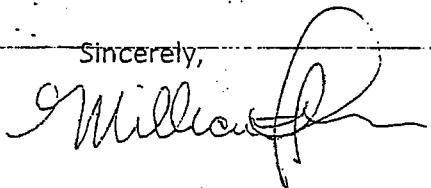
To whom it may concern,

My name is Millicent Franco and I am the Intake Coordinator at INCLUDEnyc. I am writing you this letter to verify that Theresa Skillings attended the following workshops given by our organization:

1. 01/26/16-Advocacy Skills for Parents
2. 10/14/16- Special Education Mediation
3. 10/18/16- District 75 and Alternative Settings for Students with Disabilities
4. 10/25/15- Understanding your child's IEP
5. 10/29/16- Top 5 Rights in Special Education
6. 1/11/17- Parent IEP Member Training
7. 1/26/17- Parenting a Child with a Disability

If you have any questions please feel free to reach out to me via phone 212-677-4650 *22 or via email at mfranco@includenyc.org

Sincerely,



Millicent Franco
Bilingual Program Intake Specialist

INCLUDEnyc | "Love, equity, and access for young people with disabilities"

Tel: 212-677-4650 *22

116 E 16th St, 5th Fl

New York, NY 10003

Instagram: @INCLUDEnyc

(Formerly Known as Resources for Children with Special Needs)

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Certificate of Completion

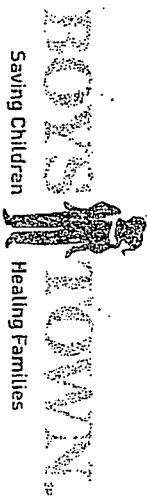
THERESA SKILLING

GO PARENTING SCHOOL-AGE PARENTING

For Parents of School-aged Children
(12-hours)

This 20TH day of October 20 16

Theresa Skilling
Parent Trainer





Sanctuary for Families

P.O. Box 1406
Wall Street Station
New York, NY 10268-1406
Tel: 212.349.6009
Fax: 212.349.6810
sanctuaryforfamilies.org

To Whom It May Concern,

My name is Margaret Silver, a social work intern at Sanctuary for Families, an agency serving women and children affected by domestic violence. Sanctuary for Families is a non-profit agency in New York State dedicated to serving domestic violence victims and their children. Some of services offered at Sanctuary for Families include: crisis shelter; a transitional shelter; individual counseling and support groups for women and children; legal services; advocacy; and community outreach and education.

Theresa Skillings is a client at Sanctuary for Families. On January 22nd, 2016, Ms. Skillings attended her intake and initial appointment to begin domestic violence counseling services. Ms. Skillings and I agreed to meet weekly for individual counseling sessions, lasting for 45-60 min.

I will be leaving at the end of April. At that time, Bushra Husain will be taking over Ms. Skillings' case. She can be reached at (212) 349-6009 ext. 311 or by emailing her at bhusain@sffny.org

Should you have any questions concerning the above, please do not hesitate to contact me. I can be reached per telephone at (212) 349-6009 ext. 367 and per e-mail at msilver@sffny.org

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret A. Silver".

Margaret A. Silver
Social Work Intern
Manhattan Non-Residential Services

Hon. Judy Harris Kluger
Executive Director

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Loretta McCarthy
Catherine Woodman
*in memoriam



Changing Lives...
Building Communities™

Catholic Charities Behavioral Health Center
161-10 Jamaica Avenue, 2nd Floor
Jamaica, NY 11432
Phone 718-704-5488
Fax 718-704-5485

February 9, 2019

Re: Theresa Skillings
DOB: 06/01/1969

To Whom It May Concern:

I, Chad Billington am writing from Catholic Charities Jamaica Behavioral Health Center to provide information on the above-named client, who is being seen for individual psychotherapy. Her assigned therapist Destony Stewart is currently not present to write this letter in a timely manner for the client. As the Clinical Supervisor, Chad Billington I am providing the following information on client's behalf.

Per records, Ms. Skillings started receiving services with Catholic Charities on November 11, 2017 and began treatment with current therapist, Destony on December 16, 2017. Ms. Skillings is currently compliant with treatment and attends her appointments consistently. Ms. Skillings does not cancel appointments and communicates effectively with her therapist. She has not been seen by the psychiatrist here at the clinic, and is not prescribed any medications. She appears to be psychiatrically stable at this time.

Per her therapist, the Ms. Skillings continues to work towards her goals in therapy. She has reported that she has made positive strides in regards to reunification with her daughter. She has acknowledged in her sessions of the progress she has made with her child at home and at school. According to her treatment plan, Ms. Skillings is learning ways to manage the stressors of an ACS case by utilizing her coping skills, and addressing the court requirements. Per records and her therapist, Ms. Skillings has made progress towards these goals.

Please let me know if you have any questions.

Sincerely,

Chad Billington II, LMHC
Clinical Supervisor
Jamaica Clinic
Catholic Charities Brooklyn & Queens
Chad.billingtonII@ccbq.org

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Catholic Charities Behavioral Health Center
161-10 Jamaica Avenue 2nd Floor
Jamaica, NY 11432
Phone 718-704-5488
Fax 718-704-5486

July 6, 2019

Ms. Bradley
Administration for Children's Services

Dear Ms. Bradley,

I am writing you from Catholic Charities Neighborhood Services, Jamaica Behavioral Health Clinic because you wanted an update on Theresa Skillings. Theresa began services with Catholic Charities on 11/20/17. Theresa began therapy with current therapist on 12/16/17. Theresa is compliant with therapy and comes consistently through this date listed 07/06/19. Theresa does not cancel appointments and when she is here communicates effectively with therapist. Client reports that she continues to work towards the goals that have been set for her in therapy. Client regularly communicates wanting to reunite with her child. Client acknowledges the progress that has been made with her child at home and in school. Client reports completing parenting classes and other necessary mandates. According to the treatment plan, Theresa is working towards improving mood and overall functioning, utilizing coping skills, and learning new ways to manage current stressors. Theresa is involved with therapy and has made progress towards her goals. Client expressed that she has made strides to complete the terms of her court case and wants deeply for her daughter to be released to her.

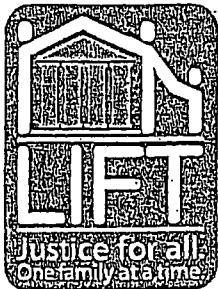
Sincerely,

Destony Stewart, LMSW

Social Worker II

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32 Court Street, Suite 1208
Brooklyn, New York 11201
OFFICE 646.613.9633 · FAX 646.613.9632
HOTLINE 212.343.1122 · WEBSITE www.LIFTonline.org

April 24th, 2018

RE: Parenting Workshop completion

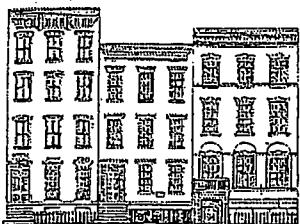
To whom it may concern:

Please be advised that *Theresa Skillings* has successfully completed the Legal Information for Families Today (LIFT) Parenting Workshop Series. The Parenting series was held at our partner agency; Brooklyn Recovery Community Center located at 20 New York Avenue Brooklyn NY 11216. The workshop were held every Tuesday for 12 weeks from 1:30pm-3:30pm. Ms. Skillings attended the required 10 out of 12 classes, graduated from the program and received her certificate of completion on Tuesday April 24th, 2018.

Please contact Noemi Baez, Director of Family and Community Engagement at 646-613-9633 ext. 226 if you have any questions regarding the confirmation provided in this letter.

Sincerely,

Noemi Baez, LMSW
Director of Family and Community Engagement
Legal Information for Families Today (LIFT)
32 Court Street, Suite 1208
Brooklyn, NY 11201
(p) 646-613-9633 ext. 226
nbaez@liftonline.org



**HENRY
STREET
SETTLEMENT**

NEIGHBORHOOD RESOURCE CENTER
PARENT CENTER
281 EAST BROADWAY
NEW YORK, NY 10002-6505
TEL 212/471-2400
FAX 212/471-2409

February 14, 2018

To Whom It May Concern:

This is to confirm that Theresa Skillings has completed the *Parenting Children with Special Needs* group at the Henry Street Settlement Parent Center, beginning 1/10/2018 and ending on 2/14/2018. This group was held each Wednesday for six weeks from 10:00AM to 11:30AM, and included topics such as identifying supports & resources, autism basics and behavior management techniques, ADHD basics & behavior management techniques, IEP evaluation & process, nutrition, self-care, and more.

Theresa Skillings attended all six sessions of the group and actively participated in all activities and discussions. If you have any questions please do not hesitate to reach me at (212) 471-2400 ext. 218.

Sincerely,

Rebecca Gerstein

Rebecca F. Gerstein, LMSW
Parent Center Social Worker
Henry Street Settlement
Neighborhood Resource Center
281 East Broadway
New York, NY 10002
(212) 471-2400 ext. 218
RGerstein@henrystreet.org

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Appendix 2 I



HENRY
STREET
SETTLEMENT

DALE JONES BURCH NEIGHBORHOOD CENTER
269 HENRY STREET,
NEW YORK, NY 10002-6505
TEL: (212)471-2400
FAX: (212)471-2409

2/25/2020

To Whom It May Concern:

This is to confirm that Theresa Skillings has completed the *Parenting Children with Special Needs* group at the Henry Street Settlement Parent Center, beginning 1/21/2020 and ending on 2/25/2020. This group was held each Tuesday for six weeks from 10am – 11:30am, and included topics such as identifying supports & resources, autism basics, behavior management techniques, emotional regulation, ADHD basics, IEP evaluation and process, nutrition, self-care, and more.

This client attended the required amount of sessions to receive a certificate of completion for the group, and was an active and engaged group member. If you have any questions please do not hesitate to reach us at (212)471-2400.

Sincerely,

A handwritten signature in black ink that reads "Victoria T. Vargas". The signature is fluid and cursive, with "Victoria" and "T." appearing above "Vargas".

Victoria Vargas, LCSW
Parent Center Social Worker
Henry Street Settlement
Dale Jones Burch Neighborhood Center
269 Henry Street,
New York, NY 10002
(646)713-2839
vvargas@henrystreet.org



HENRY STREET SETTLEMENT

HENRY
STREET
SETTLEMENT
NEIGHBORHOOD RESOURCE CENTER
PARENT CENTER
281 EAST BROADWAY
NEW YORK, NY 10002-6505
TEL: (212)471-2400
FAX: (212)471-2409

Date: 3/9/2020

To Whom It May Concern:

This is to confirm that Theresa Skillings completed the *Parenting Discoveries* group at the Henry Street Settlement Parent Center, beginning 1/27/2020 and ending on 3/9/2020. This group was held each Monday for six weeks from 10:00 AM to 11:30 AM, and included topics such as stress management and self-care, effective communication skills, positive discipline strategies, emotional regulation, and co-regulation skills, executive functioning/self-advocacy skills and more.

Theresa has attended all the required sessions for the group and actively participated in activities and discussions. If you have any questions please do not hesitate to reach me at (212)471-2400.

Sincerely,

A handwritten signature in black ink, appearing to read "Carina Baker".

Carina Baker, LMSW
Parent Center Social Worker
Henry Street Settlement
Neighborhood Resource Center
281 East Broadway
New York, NY 10002
(646)713-2847
cbaker@henrystreet.org

Appendix 2J

Appendix 2J

Ms. Skillings' correspondence to ACS management.

Dear Ms. Santos-Balthazar,

I am writing to file a complaint about the handling of an ACS case that has been ongoing since 2015. ACS said the case was due to educational neglect because the child was not registered for school. There were no other issues

When the case started my child was in the first grade, she is now in the fifth grade! There is no longer educational neglect. The child has been attending school regularly.

Ms. Bradley, the caseworker, keeps in contact with the school and verifies the attendance. However the case is not being closed and the next court date isn't until January 2020.

I have complied with the court orders. However there has been no progress with the case. There is no plan for my child to be released and returned to me, and to have the case closed. This is inexcusable.

There is no reason for any more delays. Why is this case still going on? The caseworker has no answer to this, or when the case will be closed.

Furthermore, my child being paroled to a family member was supposed to be temporary. It is now 4 years later. During this entire time the child has been sleeping in the same room and in the same bed as this family member. The child is now 10 years old sleeping in the same bed as an adult? I don't agree with this. Before this case my child slept in her own bed and had no issues with that. In fact, in the room that I occupy there are two separate beds.

I am contacting this office because this is a situation in which I need assistance, and would like this office to intervene and investigate.

Your prompt attention to this matter would be appreciated.

Thank You,

MS/JM/

Theresa Skillings d.o.b. [REDACTED] 1969
187-01 Ludlum Ave.
St. Albans, NY 11412

4/6/2020

Dear Ms. Randall:

As you know I am very concerned about how this case has been managed. This case did not warrant the measures that were taken given the circumstances it was an ed. neglect case due to child not registered when we moved out of state. As I've said the situation was really a domestic violence issue, which is how this all got started. It was never a parenting issue, but instead a domestic violence matter. Unfortunately, my child and I have been dealing with ACS for four and a half years, and it is still ongoing.

I am also concerned that closing the case is being further delayed due to the impact of the current public health crisis, which could possibly lead to the case going over 5 years, which is unacceptable! When this began, the child being 'paroled' to the aunt was to be only temporary (a few months). So 4-5 years later certainly is not. The guardian is now in her 60's and has health issues. My child should have been returned to me after the evaluation that was conducted in 2016. However, that has not happened. The caseworker keeps saying that I have to do more services, when I have done more than enough. The worker wasn't saying anything about more services until I wrote a letter to complain about how she is handling the case. Otherwise, why is the worker now saying to do more services, Why not a year ago, 2 yrs ago, 3 yrs ago

As previously stated, this was an educational neglect from 2015. There was no physical or sexual abuse, no substance abuse or mental health issues, no criminal history or history of prior ACS cases. And no other charges filed since 2015. There is no reason why this case should not be closed.

This situation has been very disruptive for my family. We just want to put this behind us. My child and I need stability and a chance to rebuild our lives. That is why we also need a referral from ACS to NYCHA so that we can obtain housing.

When reviewing the case, compare this case to the workers other cases. And also compare this with other workers' caseload with child neglect. Is it typical for such a case to be going on for 4+ years? If not, then why should this continue to go on? Even if this might be typical, which I doubt, this shouldn't be allowed to happen. There must be changes in policy and reform must be made.

Also while reviewing the case, I ask that you strongly consider closing the case. Please don't let this case go 5 years! If not, please discharge/return my child to me, and also assign me to another unit at a different office in Queens (not the Archer Ave office).

Thanks again for taking the time to look into this matter.

Sincerely,

Theresa Skillings

Appendix 2K

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Appendix 2 K

Elementary School Diploma

Ms. Skillings' child completed grades 1 through 5,
and graduated elementary school in June 2020.

ELEMENTARY SCHOOL DIPLOMA

This diploma is proudly presented to

K
S

For completing the required studies at P233Q@42

Given this 17th day of June 2020

Dellie Edmonds
Principal

Assistant Principal