

FILED
2023 FEB 15 PM 1:08
STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF DURHAM SUPERIOR COURT DIVISION
DURHAM CO., C.S.C.
BY CMJ NO: 23cv5 1641

FELTON WOODS & GUSERAL WOODS,

Petitioners,

v.

AMINAH THOMPSON, CLERK OF COURT, &

SARAH BRADSHAW, INTERIM DIRECTOR OF THE DURHAM DEPARTMENT OF
SOCIAL SERVICES,

Respondents.

WRIT OF MANDAMUS

1. This is an action for Writ of Mandamus, seeking an order directing the Clerk of Court to duly stamp and duly file petitions to adopt two minor children, KT and MT, on behalf of their biological great-grandparents, Mr. Felton Woods and Mrs. Guseral Woods.
2. The action also seeks orders directing the Durham Department of Social Services to cease advising the clerk's office about whether to file documents that are delivered to the clerk's office; to fill out and expeditiously process paperwork pursuant to the Interstate Compact for the Placement of Children on behalf of KT and MT's Georgia kin; and to withhold the agency's consent to any competing petition for adoption by the non-kin foster family until the Georgia kin's applications are complete and given fair consideration.

3. Since February 3, 2023, an assistant clerk in the Durham Special Proceedings office has declined to file two petitions for adoption, at the suggestion and advice of the Durham Department of Social Services. Ex. A.
4. That assistant clerk has stated that a DSS Social Worker, Ms. Fantasia Edmonds, and a “county attorney” working in the “juvenile” section advised her “not to file” the petitions that were delivered on behalf of Mr. and Mrs. Woods. Ex. A.
5. When Undersigned sought understanding and clarity from Durham DSS’s counsel about the matter, she flatly denied it. Ex. B.
6. Yet, the assistant clerk in Special Proceedings clearly stated that a Durham DSS social worker and a “county attorney” both gave her advice and that the assistant clerk acted upon that advice. Ex. A.
7. As a result of Durham DSS’s ongoing scheme to route the children into a grossly-premature foster-to-adopt non-kin placement, MT and KT have been deprived of loving, stable, and appropriate kinship placement in the State of Georgia that has been available to them for several years.
8. There is a long and sordid history of corruption and misconduct throughout time and geography in the handling of the adoption of babies and toddlers – tragically, young children are too often treated as a highly-valuable “commodity.”
9. Since January 2018, and in order to follow through with Durham DSS’s foster-to-adopt promises to the non-kin foster family, DSS has stalled and

interfered with prospective kinship placements in Georgia throughout the children's parents' abuse/neglect proceedings, in violation of the Interstate Compact on the Placement of Children (ICPC), the Fostering Connections Act, due process of law, and equal protection of the law, and now Durham DSS has continued this practice by interfering with the filing of petitions for adoption by Georgia kin.

Facts

10. KT and MT entered foster care on January 5, 2018. Because their mother, Jatoia Potts, had been a visitor to North Carolina when she went into premature labor with KT on August 15, 2017, and stayed in the State due to KT's need for inpatient care at the Neonatal Intensive Care Unit, the children did not have suitable kin in North Carolina.
11. Ms. Potts and MT lived in close proximity to the Georgia kin prior to this trip, and all the kin were happily awaiting the birth of his new brother, KT.
12. When Durham DSS became involved with KT and MT in December 2017 due to the children's father's action, various family members in the mother's home state of Georgia desired to foster and/or adopt KT and MT.
13. The children were and are beloved by many people.
14. However, DSS placed KT and MT with a nonkinship foster family with immediate assurances to that foster family that it was a foster-to-adopt scenario.

15. The foster family was explicitly seeking to adopt out of the foster care system, as they had done with an older child.
16. The foster family immediately experienced “misunderstandings” about the need to drive the children to supervised visit with parents. Ex. C.
17. A hospital social worker had to provide the foster mom with “supportive statements” regarding the foster mom’s concerns about biological parents “being involved” and doing “visits.” *Id.*
18. Ms. Potts began her case plan in 2018 with the impression that she would be able to reunify with her children; however, she experienced animosity from the foster parents and Durham DSS and grave difficulties navigating the system to have her children placed with kin in Georgia.
19. It was not until March 2019 when Durham DSS Social Worker Ulessia Staten was briefly assigned to the case that anyone from Durham DSS assisted Ms. Potts with the proper paperwork to initiate an interstate placement with her Georgia kin through the ICPC process. Ms. Staten was helpful and sympathetic.
20. Federal law under Title IV-E of the Social Security Act requires that within 30 days after a child has been removed from parental custody, the state must exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child.
21. Ms. Staten began assisting Ms. Potts with the ICPC paperwork in March 2019, fourteen months after the placement with the non-kin foster family.

22. However, very quickly, Ms. Staten was no longer working on Ms. Potts' case, and she was replaced with a social worker named Ms. Fantasia Edmonds.
23. Kinship care is commonly defined as "the full-time care, nurturing, and protection of a child by relatives, members of their Tribe or clan, godparents, stepparents, or other adults who have a family relationship to a child."
24. Kinship relationships should be respected on the basis of the family's cultural values and emotional ties. There are many benefits to placing children with relatives or other kinship caregivers, such as increased stability and safety as well as the ability to maintain family connections and cultural traditions.
25. Federal law requires that states "shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards." 42 U.S.C. § 671(a)(19).
26. Durham DSS has not considered giving preference to adult relatives in this case.
27. Petitioners, along with Ms. Lashay Hall, the children's godmother, both attempted to participate in the Interstate Compact for the Placement of Children (ICPC) process to get approved as a Georgia placement for KT and MT; however, they encountered frustrating difficulties with Durham DSS social worker intransigence. Durham DSS staff failed to return calls or provide needed paperwork or information.

28. In August 2019, “expedited” ICPC paperwork was filed for Mr. and Mrs.

Woods and Mr. and Mrs. Hall. However, the process was not “expeditious.”

29. By October 2019, the foster family already knew that Durham DSS was planning to permit them to adopt KT and MT. They reported to a medical provider that they had chosen a new adoptive name for KT, “CG,” and reported that they were “in the process” of adopting KT. Ex. D.

30. Not knowing any of this at the time, Ms. Potts was still hoping to reunify with her children.

31. If that was not possible, all the family wanted Georgia kin to be able to foster and adopt.

32. However, on information and belief, the ICPC paperwork was never fully and adequately processed to completion for either Mr. and Mrs. Woods or Mr. and Mrs. Hall, prior to the ending of reunification as a permanent plan on July 6 2020. Durham DSS filed a petition to terminate rights on July 13, 2020, though the district court did not get around to signing the order ending reunification until October 13, 2020.

33. In or around 2019, Mr. Woods was told by a DSS social worker that he was too old, but he requested a home study in Georgia anyway, because he lived in a multi-generational household with his son, daughter, and granddaughter that was more than suitable as a loving and stable household. However, a home study was never conducted, despite his phone calls to Durham DSS and the local Department of Children and Families.

34. Mr. Woods testified at the trial on termination of parental rights:

I missed three years of not being around my grandchildren. That's a large time I can never get back. That makes me feel bad because I like my kinpeople, my kinfolk. I want to be around, be able to see them, not like no slavery time. . . . [There's family to take care of them.] Me and my wife. Jatoia has a sister here too. She's old enough to help. She's got an auntie too. . . . [Lashay] could help too. That's her godmother. . . . I went down to downtown Decatur to Family Children [to inquire about the ICPC paperwork]. They couldn't tell me nothing.

Ex. E.

35. Mrs. Hall withdrew from the process because she was told falsely by a

Durham DSS social worker in or around late 2019 or early 2020 that another kinship placement had been approved and the children would be placed with that kin.

36. Ms. Hall testified at the dispositional phase of the trial on termination of parental rights:

Yes, I did [put in paperwork for the ICPC]. I was contacted, and this is disturbing for me as a [indiscernible] but I was told that -- I put in -- I came to court. I actually drove to North Carolina and attended court on a couple occasions. Spoke with them. They would call me, and then I would hear nothing. I went through, I know it had to be five or more different case managers. They would call, and then you wouldn't hear anything. Nothing ever happened. Oh, Ms. Hall, get your information. Got my information. We're going to get in touch with someone in Georgia. No one never contacted me in Georgia. I myself called and asked the -- in my county, the [indiscernible] office, have anyone from North Carolina -- who do I need to contact to find out? They had no knowledge of what was going on. I never received anything. Nothing went on. I expressed while I was there, filled out paperwork then. They took my information.

They changed case managers, and it was a repeat cycle. It just kept happening, kept happening. Then I would get, you know, word that someone was going to come by and do a home study. Nobody never -- that never happened. We're going to set that up. That never happened. Then a few months went past. Oh, I'm new to the case. Can you ask -- it just continued to happen. So a fair share of that was not even given for the kids to even be with someone, you know, that they knew and to be close to their family, you know, with the grandparents and everybody that, you know, here that loves them and want to be in their lives.

Ex. F.

37. The district court signed an order terminating Ms. Potts' parental rights on July 6, 2021, six days after appellate jurisdiction changed from the NC Supreme Court to the NC Court of Appeals on July 1, 2021, after presiding over a 5-day trial from May 3-7, 2021.
38. Ms. Potts appealed. Four organizations – the North Carolina Coalition Against Domestic Violence, the ACLU of North Carolina, the North Carolina Justice Center, and the NAACP of North Carolina filed amicus briefs. The Court of Appeals held oral argument, and then issued a 95-page opinion on September 6, 2022, upholding the termination, yet finding that Ms. Potts neither “participated in or condoned abuse” of her children. *In the Matter of M.T. and K.T.*, 2022 NCCOA 593, 877 S.E.2d 732 (Sep. 6, 2022) at Paragraph 103.
39. Ms. Potts filed a petition for discretionary review in the North Carolina Supreme Court, which was denied on November 4, 2022.
40. Once the termination was final, the Georgia kin, including petitioners, inquired again about someone in the family adopting KT and MT.

41. Mr. and Mrs. Woods attempted to file petitions for adoption on February 3, 2023. An agent dropped the petitions and the filing fee in the Special Proceedings office in the Durham County Courthouse at or around 2:07 p.m.
42. Undersigned provided a paper copy and an electronic copy to the DSS attorney the same day.
43. The same day, the assistant clerk telephoned undersigned and reported that the non-kin foster parents had filed petitions for adoption for MT and KT just a few days earlier, on or about January 27, 2023, and stated that she had called the DSS social worker about the case. As it was late Friday afternoon at this point, undersigned promised to follow up the following week after serving Durham DSS.
44. On February 9, 2023, a legal assistant for undersigned called the clerk to inquire about the status of the petitions. The clerk informed him that she had not filed them because she had talked to a social worker from DSS and "they're doing an investigation on it" and "the attorney for DSS is also looking into it." The clerk stated: "so we're not going to file your petition."
45. On February 10, 2023, undersigned emailed the attorney for DSS, Elizabeth Gurnee, with the following:

Good afternoon,

Thank you for providing Ms. Malott's information. A legal assistant telephoned the clerk's office on yesterday afternoon to inquire about the status of Mr. and Mrs. Woods' petition for adoption. He was informed that it is being "held" pending investigation by DSS based on her consultation

with the DSS social worker. Can you advise what you have informed the clerk and what sort of investigation is occurring?

Thank you.
Sincerely,
Elizabeth Simpson


(Exhibit )

46. Ms. Gurnee responded with the following just a few minutes later:

Good afternoon,

Neither myself nor my client advise the Clerk of Court.

(Exhibit B)

47. Undersigned then telephoned back to the Special Proceedings assistant clerk on February 10, 2022, to seek clarity or to see if she had misunderstood something. Pursuant to the one-party consent rule, she recorded the conversation. The assistant clerk in the office, Ms. Stephanie Reams, stated that she had spoken to both the DSS Social Worker, Fantasia Edmonds, and a “county attorney” from the “juvenile” section. Ms. Raines stated, among other things:

“OK, so we are not filing at this point. The social worker at DSS is investigating the case. Um, the county attorney is investigating the case. So we’re just not filing yours at this time.”

“To try to clarify, you’re gonna have to talk to them. The attorney for the county or Ms.-- I think her name is Fantasia or something.”

“[Ms. Fantasia] said not to do anything right now. And then the county attorney for ummm told them also, you know, came by to check on it, but we’re not doing anything on your case at this point.”

“Yeah. We’re not going to file them at this time. Until they tell us what to do.

(Until DSS tells you what to do?)

“Yeah.”

(Exhibit A)

LAW

48. Without the requested Writ of Mandamus, there is no adequate remedy available to Mr. and Mrs. Woods.

49. Pursuant to Morningstar Marinas v. Warren County, 368 N.C. 360, 365, 777 S.E.2d 733, 736 (2015), there are 5 factors that must be established in order for a party to be entitled to a Writ of Mandamus. They are:

- a. the party seeking relief has a clear legal right to the act requested,
- b. the respondent has a legal duty to perform the act requested,
- c. performance of the act is ministerial in nature and does not involve the exercise of discretion,
- d. respondent did not perform the act requested and time for performance of the act has expired, and
- e. no alternate legally adequate remedy is available.

50. While DSS has some discretion over the selection of prospective adoptive parents for children in foster care, it may not exercise this discretion in an unlawful, discriminatory, and/or unconstitutional fashion, and it is the

district court that ultimately maintains jurisdiction over children in foster care. N.C.G.S. § 48-2-102(b).

51. While the clerk may enter some adoptions in an act of judicial authority, in cases when it is presented with issues of fact, an equitable defense, or a request for equitable relief, the clerk is required to transfer proceedings to the district court under N.C.G.S. §1-301.2, rather than adjudicate them itself. *See* N.C.G.S. § 48-2-601(a1).

52. The NC Supreme Court has emphasized the clerk's limited jurisdictional authority. The clerk has no common law (law from judicial precedent rather than statutes) or equitable (procuring a just outcome based on reasonableness and fairness) jurisdiction. *See In re Foreclosure of Vogler Realty, Inc.*, 365 NC 389, 395 (2012). Further, the clerk cannot perform functions involving the exercise of judicial discretion in the absence of statutory authority. *Id.* Where the legislature intends for the clerk to possess discretionary authority, it specifically provides for it with language such as "may" or "in the discretion of." *Id.*

53. In this case, the clerk must stamp and file Mr. and Mrs. Woods' petitions to adopt MT and KT, and then transfer them, and any other pending petitions to adopt the same children, to the district court to adjudicate.

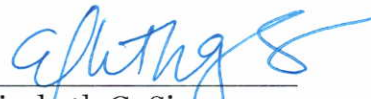
PRAYER FOR RELIEF

a. Direct the clerk to stamp and file Mr. and Mrs. Woods' petition for adoption, and any forthcoming petitions for adoption on behalf of other Georgia kin,

including Felton S. Woods, Sonja Woods, G. Lashay Hall, and D. Mark Hall, and transfer the petitions to the district court for due and fair consideration by a district court judge;

- b. Direct DSS to cease advising the clerk's office on whether to file documents delivered by litigants to the courthouse;
- c. Direct DSS to give no consent to the non-kin foster parents' petition for adoption until competing petitions are duly and fairly processed and considered;
- d. Direct DSS to send ICPC requests to Georgia for the following Georgia kin, and follow through with this paperwork until the home placements have been either approved or denied by the Georgia agency.
 - i. Felton and Guseral Woods, 3660 Calumet Road, Decatur, GA 30034
 - ii. Sonja Woods, 3660 Calumet Road, Decatur, GA 30034
 - iii. Felton S. Woods, 3660 Calumet Road, Decatur, GA 30034
 - iv. Mark and G. Lashay Hall, 5118 Saddle Creek Cir, Ellenwood Ga 30294

Respectfully submitted, this the 15 day of February, 2023,



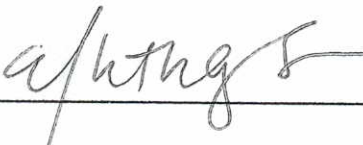
Elizabeth G. Simpson
EMANCIPATE NC
NC State Bar # 41596
P.O. Box 309
Durham, NC 27702
elizabeth@emancipatenc.org
919-682-1149
Counsel for Mr. and Mrs. Woods

AFFIDAVIT OF ELIZABETH GUILD SIMPSON

1. My name is Elizabeth Guild Simpson. I am an attorney licensed to practice law in the State of North Carolina (State Bar # 41596).
2. On Friday, February 10, 2023, at 1:47 pm, I telephoned 919-808-3052 and spoke to a person in the Special Proceedings office of the Durham County Courthouse. That person reported her name as "Stephanie." I recorded the conversation.
3. I transcribed our recorded conversation. I affirm that the following is a true and correct transcript of the conversation to the best of my ability.

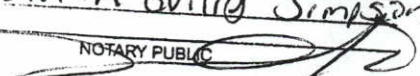
VERIFICATION

I affirm, under the penalties for perjury, that the foregoing representations are true.


Elizabeth Guild Simpson

February 15, 2023



STATE OF NC
COUNTY OF Durham
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF February 2023
BY Elizabeth Guild Simpson

NOTARY PUBLIC

Transcript of conversation with person named "Stephanie" in Special Proceedings Office of
Durham County Courthouse
At telephone number 919-808-3052
February 10, 2023
1:47 p.m.

Stephanie: Good afternoon. Special Proceedings [unintelligible] office. Stephanie.
How can I help you?

Elizabeth Simpson: Hi. This is Elizabeth Simpson. I'm calling about . . .

Stephanie: Yes.

Ms. Simpson: A petition to adopt. I think my legal assistant called you yesterday.

Stephanie: Yes, ma'am.

Ms. Simpson: Yeah, thank you so much. I just wanted to check about that again
because I feel like there is some confusion going on, so I thought I should just call myself.

Stephanie: OK, so we are not filing at this point. The social worker at DSS is
investigating the case. Um, the county attorney is investigating the case. So we're just not filing
yours at this time.

Ms. Simpson: OK, what is that? Until?

Stephanie: [unintelligible]

Ms. Simpson: Go ahead.

Stephanie: I mean, on the one hand, all that entails is, what they're doing, to
try to clarify, you're gonna have to talk to them. The attorney for the county or Ms.-- I think her
name is Fantasia or something.

Ms. Simpson: Fantasia Edmonds is the social worker assigned to those children.

Stephanie: Right. So, you'll have to talk to them about it. They're the ones that
did the placement. They're the agency.

Ms. Simpson: Mmm. So when I, did you talk to them about the petition that I tried
to file, though?

Stephanie: I did.

Ms. Simpson: To Ms Edmonds?

Stephanie: Yeah, I did.

Ms. Simpson: OK. And she advised that?

Stephanie: That's why she said not to do anything right now. And then the county attorney for ummm told them also, you know, came by to check on it but we're not doing anything on your case at this point.

Ms. Simpson: I see. Can you advise which county attorney that is?

Stephanie I don't remember what her name was. I don't know her right off. I know the one that do like guardianships and stuff. She said she works in juvenile. She does the juvenile end of it. But I don't remember what her name was.

Ms. Simpson: OK.

Stephanie I'm sure Fantasia could probably tell you.

Ms. Simpson: Yeah. ok.

Stephanie Alright.

Ms. Simpson: Thank you so much.

Stephanie Yes ma'am.

Ms. Simpson: Bye bye.

Stephanie You know you could take them back and hold them yourselves, I mean.

Ms. Simpson: Well, you know I desire for them to be filed, so I was just trying to figure out what-what the situation is.

Stephanie Yeah. We're not going to file them at this time. Until they tell us what to do.

Ms. Simpson: Until DSS tells you what to do?

Stephanie Yeah. I mean I don't know if they end up dismissing the other one that is already filed and allow yours and I don't know so that's why they looking into it.

Ms. Simpson: OK.

Stephanie 'Cause they're the placement agency. DSS.

Ms. Simpson: Yeah, I mean, ok.

Stephanie Also, they want what's best for the kids.

Ms. Simpson: Of course. Everybody does.

Stephanie: Yes.

Ms. Simpson: Alright have a good weekend and thank you for your help.

Stephanie Alright, you too.

Ms. Simpson: Bye bye.

Stephanie Bye bye.

Exhibit B



Elizabeth Simpson <elizabeth@emancipatenc.org>

notice of filing petition for adoption MT KT 18 J 1, 2

4 messages

Elizabeth Simpson <elizabeth@emancipatenc.org>

Fri, Feb 3, 2023 at 2:56 PM

To: "Gurnee, Elizabeth" <ekgurnee@dconc.gov>, "Espenshade, Alice A." <Alice.A.Espenshade@nccourts.org>

Good afternoon,

Please find the attached courtesy copy of a notice of filing petition of adoption. Hard copies have been placed in the attorney mailboxes at the courthouse.

Elizabeth Simpson (she/her)
strategic director & attorney
EMANCIPATE NC
703.587.8563 (cell)
www.emancipatenc.org

**notice of filing petition of adoption.pdf**
2935K

Kennedy Gurnee, Elizabeth P. <ekgurnee@dconc.gov>

Sun, Feb 5, 2023 at 7:09 AM

To: Elizabeth Simpson <elizabeth@emancipatenc.org>

Cc: "Malott, Christy A." <christy.a.malott@nccourts.org>

Good morning,

Please know that Alice Anne Espenshade has retired. The GAL on this matter is Christy Malott. Her email is Christy.a.malott@nccourts.org She is copied on this email.

Sincerely,

Elizabeth Kennedy-Gurnee

Elizabeth Kennedy-Gurnee | Senior Assistant County Attorney



County Attorney

200 East Main Street, 4th Floor
Durham, North Carolina 27701

Office (919) 560-0716 | Group Right Fax (919) 328-6101

Mobile: (984) 260-7289

ekgurnee@dconc.gov

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[Quoted text hidden]

Caution: Do not click links or open attachments unless you recognize the sender and know the content is safe.

2/13/23, 5:48 PM

Emancipate NC Mail - notice of filing petition for adoption MT KT 18 J 1, 2

Elizabeth Simpson <elizabeth@emancipatenc.org>

Fri, Feb 10, 2023 at 1:23 PM

To: "Kennedy Gurnee, Elizabeth P." <ekgurnee@dconc.gov>

Cc: "Malott, Christy A." <christy.a.malott@nccourts.org>

Good afternoon,

Thank you for providing Ms. Malott's information. A legal assistant telephoned the clerk's office on yesterday afternoon to inquire about the status of Mr. and Mrs. Woods' petition for adoption. He was informed that it is being "held" pending investigation by DSS based on her consultation with the DSS social worker. Can you advise what you have informed the clerk and what sort of investigation is occurring?

Thank you.

Sincerely,

Elizabeth Simpson

[Quoted text hidden]

Kennedy Gurnee, Elizabeth P. <ekgurnee@dconc.gov>

Fri, Feb 10, 2023 at 1:41 PM

To: Elizabeth Simpson <elizabeth@emancipatenc.org>

Cc: "Malott, Christy A." <christy.a.malott@nccourts.org>

Good afternoon,

Neither myself nor my client advise the Clerk of Court.

[Quoted text hidden]

Exhibit C



Lifestyle as of 1/25/2018 (continued)

Relationships as of 1/25/2018

None

Implants

Implant

Set, Cath Ventricular Bactiseal Evd 1.5 - Log2962257 - Implanted

(Right) Brain

Inventory item: SET, CATH VENTRICULAR
BACTISEAL EVD 1.5

Model/Cat number: 821745

Manufacturer: J&J/CODMAN SHURTLEFF

Lot number: 174804

As of 1/26/2018

Status: Implanted

NON-PROVIDER PROGRESS NOTES

Progress Notes by Johnson, Erika, LCSW at 1/25/2018 11:59 PM

Author: Johnson, Erika, LCSW

Service: —

Author Type: Licensed Clinical Social Worker

Encounter Date: 1/25/2018

Filed: 1/26/2018 2:15 PM

Status: Signed

Editor: Johnson, Erika, LCSW (Licensed Clinical Social Worker)

Clinical Social Work Progress Note

PRESENTING PROBLEM:

CSW met with patient and foster mother of patient at an initial appointment to SICC (Pt's 2-year old brother, was also present). Patient is not enrolled in SICC's medical home Transitions Program.

IMPRESSION:

CSW introduced self to foster mother, Ms. and explained role of CSW in SICC clinic setting. Ms. was open and engaging and was holding pt in arms throughout our encounter. Ms. reports that she, just yesterday, spoke with Lisa McLean at Durham DSS about foster placement of pt. The initial SW, Annette Williams, told her the case would be transferring to a foster care SW (Ms. McLean). Ms. reports some misunderstandings with what SW explained about Ms. needing to meet pt's parents by driving pt to his supervised visit with parents. CSW encouraged Ms. to advocate for whatever her comfort level was re: this. Ms. shared that she and her husband have another foster child in the home (5-year-old boy) who they are in the process of adopting. She goes on to explain that she's not been in a fostering situation before like this, where there are biological parents involved, visits, or a pt with extra medical needs. CSW provided supportive statements to Ms. and directed her back to her own CM (through Bair Foundation, agency through which she fosters) and DSS SW Lisa McLean. CSW shared that CSW would be contacting Ms. McLean for ROI (for CDSA referral) as well as a status update on pt. Foster mother provided SICC their physical address in Raleigh, NC. CSW also provided information and contact for WIC offices in Wake County, as foster parents have been paying for pt's formula out of pocket.

PLAN:

See above. CSW provided contact information should foster parent(s) have questions or concerns moving forward. CSW will continue to be available for SW consult when patient comes to SICC.

I spent 60 minutes with patient/family today or on aforementioned tasks.

ERIKA JOHNSON, LCSW
Clinical Social Worker

Exhibit D



SPECIAL INFANT CARE CLINIC

Name:

MRN:

DOB: / /

DOE: 10/31/2019

Identifying Information: (post adoption name will be is a 26-month, 16-day old child (adjusted age 23-months; 27-days) with a history of premature birth at 28 weeks gestation (BW 1500 grams) and associated complications including ROP and NEC. He was subsequently admitted at three months of age for seizures, retinal hemorrhage, and acute infarcts suggesting hypoxic ischemia event in the setting of acute nonaccidental trauma. This history puts him at risk for developmental delay and therefore he was seen today for formal neurobehavioral assessment as part of ongoing developmental follow up through the Special Infant Care Clinic at Duke Children's Health Center. This history puts him at risk for developmental delay and therefore he was seen today for developmental assessment as part of ongoing follow up through the Duke Children's Special Infant Care Clinic.

Procedures:

Review of medical records

Qualitative observation and play-based assessment of behavior and learning

Parent/caregiver report of behavioral functioning and developmental skills at home

Bayley Scales of Infant and Toddler Development - III: Cognitive Scale

Bayley Scales of Infant and Toddler Development - III: Language Scale

Bayley Scales of Infant and Toddler Development - III: Motor Scale

Previous Assessment Findings: was previously evaluated in this clinic in November 2018. At that time, was making appropriate developmental progress in cognitive, language, and fine motor domains with average cognitive and language skills and low average fine motor skills. Socioemotional skills were also strong. However, he demonstrated significant delays in gross motor development. He was receiving physical therapy services and was making progress with the benefit of these services. However, given his prematurity and history of HIE from NAT, he remained at risk for delayed acquisition of developmental milestones and ongoing follow up was recommended with a re-evaluation in one year. In addition, continued physical therapy services were recommended, but no other early interventions were recommended given his strong progress in other areas. Parents were encouraged to work with using strategies discussed to promote next steps in development. In particular, they were encouraged to provide opportunities to become comfortable in supine and in rolling from supine to prone.

Social History: lives with his foster parents, 4-year-old brother, and 8-year-old foster brother, who is the biological son of his foster parents. He does not currently attend daycare. This foster parents have started the process of adopting him and his brother.

Parental/Caregiver Report/Concerns: was accompanied to the clinic by his foster parents.

Current Intervention Services: Enrolled in CDSA and receives PT.

Behavioral Observations: warmed up readily to begin the assessment and eagerly explored assessment materials. He was a notably socially-engaged, playful and cheerful child who seemed to enjoy the attention afforded him by the assessment. He adored praise for his performance and was motivated by it. His attention was somewhat variable, especially with tasks that were difficult for him. Demonstrated skills were similar to those observed by parents and therefore a reliable assessment was likely obtained.

Evaluation Findings: Because of prematurity, his development was evaluated relative to adjusted