

JUVENILE COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 520 W. Colfax Ave. Denver, CO 80204	♦ COURT USE ONLY ♦
The People of the State of Colorado in the Interest of Children: KALEY CORLEONE AND ABE ABRAMS Petitioner: Weld County Department of Human Services Respondents: BEATRICE ABRAMS, CARLOS CORLEONE, JOSE GARCIA, JOHN DOE, AND ALL OTHERS CLAIMING AN INTEREST IN SAID CHILDREN	
Attorney for Petitioner: Joe Esquire Assistant County Attorney. Address: c/o Weld County Department of Human Services 12345 Main Street Greeley, CO 12345 Weld County Assistant County Attorney Phone Number: (970) 944-1111 FAX Number: (970) 944-2222 E-mail: countyattorney@denvergov.org Atty. Reg.: #12345	Case Number: 18JV1234 Courtroom: 2F Div: F <div style="text-align: center;">EPP</div>
PETITION IN DEPENDENCY OR NEGLECT	

The Petitioner, the Department of Human Services of the City and County of Denver, Colorado, institutes this action pursuant to a report under Title 19, Article 3 of the Colorado Children’s Code, C.R.S. (2017), and respectfully represents as follows:

1. This Petition is filed pursuant to §19-3-501 *et seq.*, C.R.S. (2017). The Court has authorized the filing of this Petition.
2. The name, sex, date of birth and place of residence of the children are as follows:

<u>NAME</u>	<u>SEX</u>	<u>DATE OF BIRTH</u>	<u>RESIDENCE</u>
ABE ABRAMS	M	04/15/2017	GREELEY, CO
KALEY CORLEONE	F	12/06/2014	GREELEY, CO

3. The name and residence of each parent, guardian, custodian, legal custodian, stepparent, spousal equivalent, or special respondent, or the children’s nearest known relative if no parent, guardian, custodian, legal custodian, stepparent, or spousal equivalent is known are:

MOTHER: BEATRICE "BEA" ABRAMS, (D.O.B. 09/12/1986), WELD COUNTY JAIL, 100 O STREET, GREELEY, CO.

ALLEGED FATHER OF KALEY: CARLOS CORLEONE, (D.O.B. 11/22/1982), PUEBLO, CO

ALLEGED FATHER OF ABE: JOSE GARCIA, (D.O.B. UNKNOWN), UNKNOWN.

4. That the child Abe is in the custody of Weld County DHS and the minor child Kaley is in the custody of Denise Corleone.
5. The children are dependent or neglected for one or more of the following reasons:
 - (a) A parent, guardian or legal custodian has abandoned the children or has subjected them to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the children without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;
 - (b) The children lack proper parental care through the actions or omissions of the parent, guardian or legal custodian;
 - (c) The children's environment is injurious to their welfare;
 - (d) A parent, guardian or legal custodian fails or refuses to provide the children with proper or necessary subsistence, education, medical care or any other care necessary for their health, guidance or well-being;
 - (e) The children are homeless, without proper care, or not domiciled with their parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian;
 - (f) The children have run away from home or are otherwise beyond the control of their parent, guardian, or legal custodian.
 - (g) The child tests positive at birth for either a schedule-I controlled substance, as defined in §18-18-203, C.R.S., or a schedule-II controlled substance, as defined in §18-18-204, C.R.S., unless the child tests positive for a schedule-II controlled substance as a result of the mother's lawful intake of such substance as prescribed.
 - (h) The children are neglected or dependent because:
 - (i) The parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse; and
 - (ii) Such parent has been the Respondent in another proceeding under this article in which a court has adjudicated another child to be dependent or neglected based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such parent's, guardian's, or legal custodian's abuse or neglect has caused the death of another child; and

(iii) The pattern of habitual abuse described in paragraph (i) of this subsection (h) and the type of abuse described in the allegations specified in paragraph (ii) of this subsection (h) pose a current threat to the children.

6. The facts, based on information and belief, which bring said children within the jurisdiction of the Court are as follows:

On July 16, 2016, minor child Abe was in a vehicle with the respondent mother Ms. Beatrice Abrams, who was pulled over by Greeley Police Department the under suspicion of DUI. When questioned about whether someone was available to come and get the baby, Ms. Abrams responded she “ain’t got no one.” According to law enforcement, Ms. Abrams then became hysterical and was unable to answer any further questions. Her condition deteriorated until she ultimately began making credible threats of committing suicide. Officers then transported Ms. Abrams to the local hospital, and she was admitted on a 72-hour mental health hold. At the hospital, Ms. Abrams BAC was .214. Law enforcement contacted Weld County DHS to take temporary legal custody of Abe.

The intake caseworker was able to access additional information about Ms. Abrams from previous referrals and identified that Ms. Abrams had a second child, Kaley, who often stayed with her paternal grandmother. Intake Caseworker contacted minor child Kaley’s grandmother, Denise Corleone, who confirmed that Kaley was with her and safe and that she was willing to keep her for a few days. When asked about Abe, Ms. Corleone reported that he was not her grandchild and she did not know who the father was. She reported she could not take Abe because she had guests and did not have anything for a baby. Abe was placed in a foster home later that night.

Upon Ms. Abrams’ release from the hospital on July 18, 2018, she was arrested and booked in the Weld County Jail. Ms. Abrams has been charged with Driving Under the Influence as well as Child Abuse, with Abe as the named victim.

Abe’s birth certificate lists Father as unknown. The intake caseworker interviewed Ms. Abrams at the jail on July 20, 2018, and Ms. Abrams identified that Abe’s father is Jose Garcia. She reported that Mr. Garcia may have returned to Mexico and that he has never met Abe. It is unknown if Mr. Garcia provides financial support for Abe.

Ms. Abrams reports that Kaley’s father, Mr. Carlos Corleone has not seen Kaley in over five years. Court records show that Mr. Corleone has three domestic violence cases in 2009, 2012, and 2016. Court records also show that Mr. Corleone has an open warrant in Denver County. It is unknown if Mr. Corleone provides financial support for Kaley.

Additional info not in petition but obtained before the shelter hearing:

Ms. Abrams reported that other thinks he is living in Pueblo but isn’t sure. She does not have any siblings, and her mother and step-father live in Wyoming. She won’t have anything to do with them after her step-father hit her in front of Abe and Kaley and then

kicked them out of the home in February. Ms. Abrams stated that her closest appropriate relative is her Aunt, Juanita Ravenclaw, who lives in Oklahoma. Mother agreed that Kaley should stay with her paternal grandmother.

DHS is recommending:

Temporary custody of Kaley with Paternal Grandmother

Temporary custody of Abe with DHS and to remain in his current foster placement

Substance abuse evaluation for Mother to occur ASAP

Visitation to be a minimum of 1 x week upon her release from jail.

7. A person may be named as a special respondent on the grounds that the person resides with, has assumed a parenting role toward, has participated in whole or in part in the neglect or abuse of, or maintains a significant relationship with the children. A special respondent shall be afforded an opportunity for a hearing to contest his or her joinder and the appropriateness of any orders that affect him or her and shall have the right to be represented by counsel at such hearing. At any other stage of the proceedings, a special respondent may be represented by counsel at his or her own expense.
8. Where any children have been removed from their home, reasonable efforts to prevent unnecessary out-of-home placement of said children were made where reasonable; or it was neither possible nor reasonable to undertake, nor would it have been in the best interest of said children to do so, because the safety or well-being of said children was immediately at issue, and removal of said children for placement in protective custody was needed as there was no reasonable way to protect said children. The emergency precluding the use of services to prevent out-of-home placement in this case is set forth more fully in paragraph (6) of this Petition.
9. This action is being instituted pursuant to a report under Title 19, Article 3 of the Colorado Children's Code, and a Guardian ad Litem should be appointed.
10. Pursuant to §19-1-108, 6 C.R.S. (2017), magistrates may conduct hearings under this title. Respondents have the right to request a hearing before a judge, or may consent to the magistrate's jurisdiction. If the right to a hearing before a judge is waived, the findings and recommendations of the magistrate will be binding, subject to a request for review. The right to require a hearing before a judge does not apply to detention hearings held pursuant to section §19-3-403, 6 C.R.S. (2017). The right to require a hearing before a judge shall be deemed waived unless: (a) a request is made that the matter be heard before a judge at the time the hearing is set if counsel for the party is present when the hearing is set, or (2) within five days after receipt of notice that a hearing has been set outside of the presence of counsel for a represented party or if the matter is set on notice.
11. As of the date of filing, the Denver Department of Human Services has inquired of the following family members as to whether any child who is the subject of this petition is an Indian Child, as defined in Section 1904(4) of the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and §19-1-103(65.3), C.R.S. (2017): Such inquiries were conducted in accordance with §19-3-502(2.7), C.R.S. (2017). It was reported that: Respondent Mother

has a relative in Oklahoma that may live on an Indian reservation. **Based on those inquiries there is not reason to know that these children are Indian Children at this time.**

- a. Continuing inquiries will be made by the Department until it is determined whether any of the children who are the subject of this petition is an Indian Child.
 - b. If any child is determined to be an Indian Child, the Department will notify all parties and the Court, and will include the identity of the Indian Child's Tribe.
 - c. In addition, the Department will send notice by registered or certified mail to the persons specified in §19-1-126, C.R.S. (2017) and will provide proof of mailing according to the procedure set forth in that statutory section.
12. TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS A POSSIBLE REMEDY AVAILABLE IF THIS PETITION ALLEGING THAT A CHILD IS DEPENDENT OR NEGLECTED IS SUSTAINED. A separate hearing must be held before such termination is ordered. Termination of the parent-child legal relationship means that the children who are the subject of this petition would be eligible for adoption.
13. If the children are placed out of the home for a period of twelve months or longer, the court shall hold a permanency hearing within said twelve months to determine a permanent placement for the children.
14. The review of any decree of placement of the children subsequent to the three-month review required by §19-1-115(4)(a), C.R.S. (2017) may be conducted as an administrative review by the Department of Human Services, as appropriate. If you are a party to the action, you have a right to object to an administrative review by the Department, and if you object, the court shall conduct the review.
15. In the event the children are temporarily placed out of the home by an order of the court and the placement involves the expenditure of public funds, you may be ordered to pay a fee, as foster care for the children. The Department of Human Services shall, based on your ability to pay, determine the amount, if any, you may be obligated to pay.
16. The court may find pursuant to Chief Justice Directive 96-08 and §19-1-307(2)(i), C.R.S. (2017) that good cause exists for the Denver Department of Human Services to release information concerning the children and the current family situation to relatives or any other kin of the family who are assessed as possible placement resources for the children.
17. The court may also order you to provide the Denver Department of Human Services with the names, addresses, telephone numbers and any requested information concerning relatives or any other kin so that the Denver Department of Human Services can assess the availability of such relatives and kin as placement resources for the children.

WHEREFORE, Petitioner requests that the court fix a date for hearing on this petition and enter orders concerning the children, respondents, special respondents or other parties in interest named herein as authorized by law.

Weld County Department of Human Services
Petitioner

Joe Esquire
Assistant County Attorney
Weld County Department of Human Services
12345 Main Street
Greeley, CO 12345

By: _____
Stephanie Miller

I declare under penalty of perjury, to the best of my information and belief, that the foregoing is true and correct. Executed on this 20th day of July, 2018.

Stephanie Miller

