

MEMORANDUM

TO: Chairperson Frank Dermodi  
Subcommittee on Courts of the Judiciary Committee

FROM: Gaylord Neal  
2209 N. 18th Street  
Philadelphia, PA 19132  
(215) 232-8618

AY.

DATE: October 6, 1994

RE: Judicial Abuse

Legislative oversight caused a glitch in the "Child Protective Service Act" and a Judge may continue a case into "infinity" because of this law.

My child was taken from me on May 30, 1991, and not returned to me until four hundred and forty four (444) days later.

Judge Edward Summers, of the Court of Common Pleas (Family Court/Philadelphia County) never allowed me to question anyone as to the reason they gave (they said I sexually abused my daughter) to legally take my child from my protection.

I lost my job because the School District informed my employer I should not be allowed around children.

But my primary concern was the Northeast Treatment Center that had custody of my child and isolated me from visitations.

Another Judge of the Court of Common Pleas sat on the Board of Directors for the Northeast Treatment Center and I found it ironic that while one Judge would not give me a hearing he was making sure another Judge received disbursements for my child, in their custody, so the Judges could hire their friends while tearing apart my family.

Reference: Dependency Review Order #6887-91-05  
Nancy Fleming

COU OF COMMON PLEAS, FAMILY DI ON  
PHILADELPHIA COUNTY

IN RE:

Nancy Fleming

No.

D. H

DEPENDENCY REVIEW ORDER

AND NOW, this 31 day of May, 1991, after full consideration of all the testimony and evidence presented by the parties, this Court makes the following decision:

- The above-mentioned child should:
  - Be returned to parents/legal guardian *City Sol, DAS and mother, father, step uncle, Aunt / Step Grandmother*
  - Continue in foster care for \_\_\_\_\_ months since the Court finds that such placement continues to be appropriate and necessary *Step uncle, Step mother*
  - Be placed for adoption
  - Continue in foster care on a permanent/long-term basis because of the child's special needs/circumstances and the Court finds that such placement continues to be appropriate and necessary
  - Other (Specify) *F.O. by trial*

*Handwritten mark: a triangle with 'a' and 'g' inside*

*Temp Commit to DAS should DAS to file get up 48 hrs.*

- There has  not been compliance with the plan. (Specify) *Stepdad, City Sol, Entered appearance for mother in court*
- There has  not been progress made toward alleviating the circumstances which necessitated the original placement. (Specify) *Child is in the care of mother*
- The Court projects that the goal for the child may be achieved by \_\_\_\_\_ (DATE)
- The Court finds that the Petitioner is taking reasonable efforts to reunify the child with his/her family, if applicable, and if the goal is not to return home, the absence of efforts to make it possible for the child to return home is reasonable.

Other  **CHILD ADVOCATE APPOINTED** *Parents want rights to counsel in this listing*

AND NOW, based on petitioner's, the Department of Human Services, request for a dispositional review hearing, this Court schedules that hearing for 6-10-91, 9:00 a.m., 1801 Vine Street, Court Room 100. At that hearing, this Court shall decide, if appropriate, the following issues:

- Whether the child should be: (1) returned to the parents; (2) continued in foster care for a specified period; (3) placed for adoption; or (4) because of the child's special needs or circumstances continued in foster care on a permanent long-term basis;
- Determine the continuing necessity for and appropriateness of the placement;
- Determine the extent of compliance with the service plan;
- Determine the extent of progress made toward alleviating the circumstances which necessitated the original placement;
- Project a likely date by which the goal for the child might be achieved; and
- Determine that reasonable efforts are under way to make it possible for the child to return home, if appropriate, and if the goal is not to return home, the absence of efforts to make it possible for the child to return home is reasonable.

*Handwritten signature: M. G. Martin*

COURT CLERK

*Handwritten signature*

JUDGE

**PETITIONER: City of Philadelphia**  
Department of Human Services  
1401 Arch Street  
Philadelphia, PA 19102  
By: Office of the City Solicitor  
Room 1540  
Municipal Services Building  
Philadelphia, PA 19102  
(215) 686-5256

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IN RE: Nancy Fleming, d.o.b 3-6-86,  
a minor. :  
: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY  
Address: 2206 North 17th Street :  
: FAMILY COURT DIVISION  
: JUVENILE BRANCH  
: Pet. No: D#6887-91-05  
: J. No. --  
: Filing Date: 5-31-91

DEPENDENT PETITION

SUMMARY ALLEGATIONS:

Sex: Female	School: Duckery Headstart
Race: Black	Child Lives With: Father
Religion: Unknown	Mar. Stat. Nat. Parents: Single
Mother's Name: Pamela Fleming	Tel. No. Unknown
Address: Unknown	
Father's Name: Gaylord Neal	Tel. No. 232-8618
Address: 2209 North 17th Street, Philadelphia, PA 19132	
Guardian Name: N/A	Tel. No. N/A
Address: N/A	
Nature of Alleged Dependency: 2, 6	Taken Into Custody By: DHS
Date and Time Taken Into Custody: May 30, 1991 - 5:00 p.m.	
Location of Child at Filing: Maternal Grandmother, Beverly Fleming	

1. Petitioner, Philadelphia Department of Human Services, Children and Youth Division, is the local government agency responsible for the care and supervision of dependent children in Philadelphia.

2. The above-named juvenile is a dependent child under provisions of the Pennsylvania Juvenile Act, 42 Pa. Cons. Stat. § 6301 - 6365 (1982 & Supp. 1990). It is in the best interests of this child and the public that this petition be brought.

3. Petitioner has made and continues to make reasonable efforts to prevent placement of this minor child.

4. This petition is filed at the same time as petitions for 0 sibling(s).

5. The DHS social worker assigned to this case is Marion Parker (686-9910).

6. This child is currently in the custody of DHS.

7. Upon information and belief, this child is dependent and/or abused pursuant to the Juvenile Act and/or the Child Protective Services Law in that:

a. This petition is being filed pursuant to a restraining order obtained by DHS on May 30, 1991. Pursuant to the restraining order, Nancy Fleming was placed on May 30, 1991 with her maternal grandmother.

b. DHS first became involved with this family when it received a Child Protective Services report on May 30, 1991 alleging that Nancy had been beaten by the paramour of her father, "Madeline," whose last name is unknown to DHS. During its investigation, DHS spoke with school nurse Janet Schultz who noted bruises on Nancy's arms and upon further examination, found seventeen different bruises on Nancy's body.

c. On May 30, 1991, Nancy left school with her maternal grandmother, Beverly Fleming. While at Ms. Fleming's home, Nancy told DHS that "Madeline" had beaten her.

d. "Madeline" admitted to DHS social worker Marion Parker that she beat Nancy but stated she did so because Nancy was sexually acting out.

e. Nancy reiterated to Marion Parker that "Madeline" beat her.

f. DHS has since learned that Nancy has stated her father, Gaylord Neal, has been touching her vaginal area.

8. The following in home services have been offered or considered to enable the parent to care for this child: none. Such services will not reasonably eliminate the risk of harm to the child because of physical abuse which leaves the child at risk in the home.

WHEREFORE, Petitioner prays this Honorable Court adjudicate this child dependent and order that disposition best suited to the welfare of the child.

Petitioner, by and through its counsel, verifies that the statements made in this petition are true and correct to the best of Petitioner's knowledge, information, and belief and that Petitioner is aware that false

statements contained herein are made subject to penalties of 18 Pa. Cons. Stat. § 4904. A copy of this petition was served on the above-named respondents, via first class United States mail, postage pre-paid, on May 31, 1991.

Respectfully Submitted,

DORIS M. LEISCH  
Chief Deputy City Solicitor

DATED: May 31, 1991  
/jm



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
CHILDREN, YOUTH & FAMILIES

February 28, 1992

CHILDLINE & ABUSE REGISTRY  
DEPARTMENT OF PUBLIC WELFARE  
LANCO LODGE, 3RD FLOOR  
P.O. BOX 2875  
HARRISBURG, PA 17105-2875  
TELEPHONE NO. (717) 783-1884

MR GAYLORD NEAL  
2209 N 18TH ST  
PHILA PA 19132

Child: Nancy Fleming

Report Number: 51-70158

Dear Mr. Neal:

Within the past few months the above named child was reported as a victim of suspected child abuse.

The \_\_\_\_\_ Regional Office of Children, Youth and Families

The PHILADELPHIA County Children and Youth Agency

has investigated the report and determined it was "Unfounded" because of one of the following: (1) the incident did not occur, (2) the injury was not of a serious nature, or, (3) substantial evidence was not found. This letter is to notify you that the report has been destroyed at our office and by the investigating agency.

We are required to inform you that this action has been taken because your name was listed on the report as the person who allegedly abused the child. This pertains only to the report which is listed above.

Although we cannot answer any specific questions about the report since it has been destroyed, you may wish to contact the investigating agency at  
(215 .) 686-6100

Sincerely,

Scott Fries  
Acting Director

SF:kb

CL-JCRL

*UNIVERSITY of PENNSYLVANIA*

Graduate School of Education  
3700 Walnut Street  
Philadelphia, PA 19104-6216

March 15, 1992

Mr. Gaylord Neal  
2209 North 18th. Street  
Philadelphia, PA 19132

Dear Gaylord,

Since you are currently the subject of a Child Protective Services investigation for reported child abuse, I must restrict your role as a consultant on the Head Start Play Buddy Project. It will not be possible for you to work directly in a School District of Philadelphia (SDOP) Head Start classroom with Head Start children until you are cleared of all charges.

This is a most regrettable situation for us all. Let me assure you that we greatly value the contributions that you have made to our project and we look forward to our continued working relationship. However, since the SDOP Head Start personnel filed the abuse report and since the investigation is still open, your involvement in the classroom with the children could possibly disrupt the project. Given your commitment to the work we are doing, I know that you will understand our reasons for these restrictions at this time.

If you have any questions, please set up a time and we can talk about this situation.

I wish you well!

Sincerely,



John W. Fantuzzo, Ph.D.  
Director of the Play Buddy Project