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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

3

RECORD NO. 811212

HESTELLE CREWS RICHARDSON

Appellant

v.

HENRY COUNTY DEPARTMENT OF SOCIAL SERVICES

Appellee

JOINT APPENDIX

Fred D. Smith, Jr., Esq.
218 East Main Street
Martinsville, Virginia 24112

Counsel for Appellant

L. Dale McGhee, Esq.
P. O. Drawer C
Bassett, Virginia 24055

Counsel for Appellee

LAWYERS PRINTING COMPANY 7th & Franklin Bldg. Richmond, Virginia 23219 (804) 648-3664

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PETITION *Court File No.* HA-1455-1

Commonwealth of Virginia

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE ~~CITY~~/COUNTY OF HENRY

In re a Child under eighteen years of age, to wit:

1. CHILD'S NAME: MARY ANN CREWS	2. DATE OF BIRTH: 4-2-73	3. AGE: 7	SEX: X F
4. CHILD'S ADDRESS: C/O Henry County Dept. of Social Services			
5. FATHER'S NAME AND ADDRESS: Robert Lee Crews, Deceased			
6. MOTHER'S NAME AND ADDRESS: Hestelle Wilson Crews Richardson, Rt. 58E, right on 620, cross R.R., 3rd house on right, Axton			
7. ~~GUARDIAN~~/LEGAL CUSTODIAN ~~OR PERSON IN LOCO PARENTIS~~ AND ADDRESS: Henry County Dept. of Social Services, Betty Wooldridge			
8. SPOUSE OF JUVENILE AND ADDRESS:			
9. OTHER(S) AND ADDRESS(ES): Jesse D. Richardson, Empl: Doyle Ready Mix or Rt. 58E, right on 620, cross R.R., 3rd house on right			
10. Child held in CUSTODY ☐ Yes ☒ No			
11. Place of Detention or Shelter Care			
12. Date and Time Taken into Custody ...../...../..... .....:..... .....m.	13. Date and Time Placed in Detention or Shelter Care ...../...../..... .....:..... .....m.		

The undersigned petitioner respectfully represents to the Court to the best of ~~his~~/her knowledge, information and belief that the above named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this ~~city~~/county, the child:

whose custody was granted to the Henry County Department of Social Services 11-28-78 requires placement in permanent custody with termination of the parents residual rights. 16.1-241 A4

The information in the following items is not known to the petitioner:

No. .....

WHEREFORE, your Petitioner prays: That proper process issue; That said child and the persons having his/her custody and control be summoned to appear before this Court; and That this Court enter such orders and judgements as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

July 31, 1980
DATE

✓ Betty Wooldridge
PETITIONER'S SIGNITURE

Betty Wooldridge
PETITIONER'S NAME (PRINT OR TYPE)

Henry County Dept. Social Services
PETITIONER'S ADDRESS

Sworn and subscribed before me this 31st day of July, 19 80

Harry L. Fisher II
INTAKE OFFICER

PETITION *Court File No.* HJ-1454-1

Commonwealth of Virginia

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE ~~CITY~~/COUNTY OF HENRY

In re a Child under eighteen years of age, to wit:

1. CHILD'S NAME: PATRICIA LEE CREWS	2. DATE OF BIRTH: 8-6-77	3. AGE: 2	SEX: ~~M~~F
4. CHILD'S ADDRESS: C/O Henry County Dept. Social Services			
5. FATHER'S NAME AND ADDRESS: Robert Lee Crews, deceased			
6. MOTHER'S NAME AND ADDRESS: Hestelle Wilson Crews Richardson, See Mary Ann Crews			
7. ~~GUARDIAN~~/LEGAL CUSTODIAN ~~OR PARENT~~ AND ADDRESS: Henry County Dept. Social Services, Betty Wooldridge			
8. SPOUSE OF JUVENILE AND ADDRESS:			
9. OTHER(S) AND ADDRESS(ES): Jesse D. Richardson, See Mary Ann Crews			
10. Child held in CUSTODY ☐ Yes ☒ No			
11. Place of Detention or Shelter Care			
12. Date and Time Taken into Custody ...../...../..... ....:.... ....m.	13. Date and Time Placed in Detention or Shelter Care ...../...../..... ....:.... ....m.		

The undersigned petitioner respectfully represents to the Court to the best of ~~his~~/her knowledge, information and belief that the above named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this ~~city~~/county, the child:

whose custody was granted to the Henry County Department of Social Services 11-28-78 requires placement in permanent custody with termination of the parents residual rights. 16.1-241 A4

The information in the following items is not known to the petitioner:

No. .....

WHEREFORE, your Petitioner prays: That proper process issue; That said child and the persons having his/her custody and control be summoned to appear before this Court; and That this Court enter such orders and judgements as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

7-31-80
DATE

Betty (Wooldridge)
PETITIONER'S SIGNITURE

Betty Wooldridge
PETITIONER'S NAME (PRINT OR TYPE)

Henry County Dept. Social Services
PETITIONER'S ADDRESS

Sworn and subscribed before me this 31st day of July, 19 80

Harry L. Rolin
INTAKE OFFICER
TITLE

PETITION *Court File No.* HA-1453-1

Commonwealth of Virginia

IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE ~~CITY~~/COUNTY OF HENRY

In re a Child under eighteen years of age, to wit:

1. CHILD'S NAME: ROSIE FAYE CREWS	2. DATE OF BIRTH: 8-2-76	3. AGE: 3	SEX: ~~M~~ F
4. CHILD'S ADDRESS: C/O Henry County Dept. Social Services			
5. FATHER'S NAME AND ADDRESS: Robert Lee Crews, Deceased			
6. MOTHER'S NAME AND ADDRESS: Hestelle Wilson Crews Richardson, See Mary Ann Crews			
7. ~~GUARDIAN~~/LEGAL CUSTODIAN ~~OR PERSON IN LOCO PARENTIS~~ AND ADDRESS: Henry County Dept. of Social Services, Betty Wooldridge			
8. SPOUSE OF JUVENILE AND ADDRESS:			
9. OTHER(S) AND ADDRESS(ES): Jesse D. Richardson, See Mary Ann Crews			
10. Child held in CUSTODY ☐ Yes ☒ No			
11. Place of Detention or Shelter Care			
12. Date and Time Taken into Custody ...../...../..... .....:..... .....m.	13. Date and Time Placed in Detention or Shelter Care ...../...../..... .....:..... .....m.		

The undersigned petitioner respectfully represents to the Court to the best of ~~his~~/her knowledge, information and belief that the above named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this ~~city~~/county, the child:

whose custody was granted to the Henry County Department of Social Services 11-28-78 requires placement in permanent custody with termination of the parents residual rights. 16.1-241 A4

The information in the following items is not known to the petitioner:

No. .....

WHEREFORE, your Petitioner prays: That proper process issue; That said child and the persons having his/her custody and control be summoned to appear before this Court; and That this Court enter such orders and judgements as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

7-31-80
DATE

Betty Wooldridge
PETITIONER'S SIGNITURE

Betty Wooldridge
PETITIONER'S NAME (PRINT OR TYPE)

Henry County Dept. of Social Services
PETITIONER'S ADDRESS

Sworn and subscribed before me this 31st day of July, 19 80

Harry L. Fisher III
INTAKE OFFICER

Form No. JC-4 (Law of 1950 & amendments thereto) Juvenile Docket No. HJ-1451-1

COMMITMENT FOR ADOPTION

Virginia:

In the Juvenile and Domestic Relations Court of Henry County:

WHEREAS, Patricia Lee Crews, a white—colored (check) child or minor 3 years of age, born August 6, 19 77, was on November 18, 19 80, brought before me, J. English Ford, Judge—~~Associate Judge~~ of the Juvenile and Domestic Relations Court of Henry County, Virginia, upon a petition in writing, verified by oath of Betty Wooldridge, Henry County Dept. of Social Services, who is a probation officer—law enforcement officer—a reputable person, alleging that said child or minor comes within the purview of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, in that said child or minor did/is is in need to have her custody placed in permanent custody with termination of the parents' residual rights.

WHEREAS, The provisions of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, have been duly complied with in assuming jurisdiction of said child or minor:

NOW, THEREFORE, The Court having heard the evidence upon said petition and being of the opinion that the said child or minor comes within the purview of the aforementioned law doth so adjudicate, and doth order that the said child or minor be committed and doth hereby commit said child or minor to the Henry County Department of Social Services an agency approved by the State Board of Welfare and Institutions for the care, etc., of children.

It further appearing to the Court from proper studies heretofore made that it is for the child's best interest and that of the State that the child be separated permanently from its parents, the Court doth so adjudicate and the said agency shall be free to make permanent plans for the adoption of said child.

Given under my hand and seal, this 18th day of November, 19 80.

J. English Ford [SEAL]

Judge—~~Associate Judge~~ XXXXXXX
Juvenile and Domestic Relations Court.

APPEALED NOTED BY HESTELLE W. CREWS RICHARDSON

9.—

Form No. JC-4 (Law of 1950 & amendments thereto) Juvenile Docket No. HJ-1455-1

COMMITMENT FOR ADOPTION

Virginia:

In the Juvenile and Domestic Relations Court of Henry County:

WHEREAS, Mary Ann Crews, a white—colored (check) child or minor 7 years of age, born April 2, 19 73, was on November 18, 19 80, brought before me, J. English Ford, Judge—~~Associate Judge~~ of the Juvenile and Domestic Relations Court of Henry County, Virginia, upon a petition in writing, verified by oath of Betty Wooldridge, Henry County Dept. of Social Services, who is a probation officer—law enforcement officer—a reputable person, alleging that said child or minor comes within the purview of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, in that said child or minor did/is is in need to have her custody placed in permanent custody with termination of the parents residual rights.

WHEREAS, The provisions of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, have been duly complied with in assuming jurisdiction of said child or minor:

NOW, THEREFORE, The Court having heard the evidence upon said petition and being of the opinion that the said child or minor comes within the purview of the aforementioned law doth so adjudicate, and doth order that the said child or minor be committed and doth hereby commit said child or minor to the Henry County Department of Social Services an agency approved by the State Board of Welfare and Institutions for the care, etc., of children.

It further appearing to the Court from proper studies heretofore made that it is for the child's best interest and that of the State that the child be separated permanently from its parents, the Court doth so adjudicate and the said agency shall be free to make permanent plans for the adoption of said child.

Given under my hand and seal, this 18th day of November, 19 80.

J. English Ford [SEAL]

Judge—~~Associate Judge~~
Juvenile and Domestic Relations Court.

APPEALED NOTED BY HESTELLE W. CREWS RICHARDSON

10.-

Form No. JC-4 (Law of 1950 & amendments thereto) Juvenile Docket No. HJ-1453-1

COMMITMENT FOR ADOPTION

Virginia:

In the Juvenile and Domestic Relations Court of Henry County:

WHEREAS, Rosie Faye Crews, a white—colored (check) child or minor 4 years of age, born August 2, 19 76, was on November 18, 19 80, brought before me, J. English Ford, Judge—~~Associate Judge~~ of the Juvenile and Domestic Relations Court of Henry County, Virginia, upon a petition in writing, verified by oath of Betty Wooldridge, who is a probation officer—law enforcement officer—a reputable person, alleging that said child or minor comes within the purview of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, in that said child or minor did/is is in need to have her custody placed in permanent custody with termination of the parents'residual rights.

WHEREAS, The provisions of the Juvenile and Domestic Relations Court law of 1950, and amendments thereto, have been duly complied with in assuming jurisdiction of said child or minor:

NOW, THEREFORE, The Court having heard the evidence upon said petition and being of the opinion that the said child or minor comes within the purview of the aforementioned law doth so adjudicate, and doth order that the said child or minor be committed and doth hereby commit said child or minor to the Henry County Department of Social Services an agency approved by the State Board of Welfare and Institutions for the care, etc., of children.

It further appearing to the Court from proper studies heretofore made that it is for the child's best interest and that of the State that the child be separated permanently from its parents, the Court doth so adjudicate and the said agency shall be free to make permanent plans for the adoption of said child.

Given under my hand and seal, this 18th day of November, 19 80.

J. English Ford [SEAL]

Judge—~~Associate Judge~~
Juvenile and Domestic Relations Court.

APPEAL NOTED BY HESTELLE W. CREWS RICHARDSON

11.-

NOTICE

PLEASE TAKE NOTICE that on the 15th day of January, 1981 at 11:00 o'clock a.m. or as soon thereafter as counsel may be heard, I shall move this Court in the chambers of the Honorable Frank I. Richardson, Jr., Judge, Martinsville Municipal Building, Martinsville, Virginia, for entry of an Order awarding me custody of my infant children, namely; Mary Ann Crews, Rosie Faye Crews and Patricia Faye Crews.

This the 25th day of November, 1980.

HESTELLE CREWS RICHARDSON

By_____
Counsel

Fred D. Smith, Jr.
218 East Main Street
Martinsville, Virginia 24112

CERTIFICATE

A true copy of the foregoing Notice was mailed this 25th day of November, 1980 to Mr. L. Dale McGhee, P.O. Drawer C, Bassett, Virginia, 24054, counsel for Henry County Department of Social Services.

ORDER

816 038

BOOK 34 PAGE 022

On November 18, 1980, the Henry County Juvenile and Domestic Relations Court terminated the residual parental rights of Hestelle Wilson Crews Richardson, natural mother of Mary Ann Crews, Patricia Lee Crews and Rosie Faye Crews, and placed permanent custody of said infants to the Henry County Department of Social Services, with full right and authority to place the children for adoption and consent thereto. This order was appealed by the mother. On January 15, 1981, the mother, Hestelle Wilson Crews Richardson appeared in person and by counsel, Fred D. Smith; the petitioner, Henry County Department of Social Services was represented by counsel, L. Dale McGhee; and the infant children were represented by counsel, R. Reid Young, III.

After hearing the evidence ore tenus and reviewing the record in this cause, the Court doth find by clear and convincing evidence that Mary Ann Crews, Patricia Lee Crews, and Rosie Faye Crews, are neglected children; that it is in the best interest of said children for the residual parental rights of Hestelle Wilson Crews Richardson to be terminated; that the neglect suffered by these children presents a substantial threat to their life, health and development, and it is not reasonably likely that the conditions which resulted in such neglect can be substantially corrected or eliminated as

allow the children's safe return to their mother; that the mother has not responded to or followed through with appropriate, available, and reasonable rehabilitative efforts on the part of social, medical, mental health, or other rehabilitative agencies designed to reduce, eliminate, and prevent the neglect of the children, and the best interest of the children would be the termination of the residual parental rights of Hestelle Wilson Crews Richardson, it is

ORDERED that any and all residual parental rights of Hestelle Wilson Crews Richardson in and to the three children be and the same are hereby permanently terminated.

It is further ORDERED that the legal custody of the infant children, Mary Ann Crews, Rosie Faye Crews, and Patricia Lee Crews be and the same is hereby vested in the Department of Social Services for the county of Henry with full rights and authority to place the children for adoption and consent thereto.

The objection and exceptions of Hestelle Wilson Crews Richardson, made by her attorney, as being contrary to the law and evidence and the other objections and exceptions as set forth in the record are noted.

ENTER: 4/23/81

Frank S. Richardson Jr.
Judge

Entry requested by:

L. Dale McGhee
L. Dale McGhee
Counsel for Petitioner

Seen by:

R. Reid Young, III
Counsel for Mary Ann Crews

Seen and objected to:

Fred D. Smith
Counsel for Respondent

BOOK 64 PAGE 653

45

ASSIGNMENT OF ERROR

The Trial Court erred in entering its Judgment order granting the Department permanent custody of the infant children and terminating residual parental rights of the Appellant in that the Department failed to meet its burden of proof under Section 16.1-283(B) or Section 16.1-283(C) of the Code of Virginia.

VIRGINIA: IN THE CIRCUIT COURT OF HENRY COUNTY

HENRY COUNTY DEPARTMENT OF SOCIAL SERVICES

VS:

HESTELLE CREWS RICHARDSON

Transcript of incidents and evidence in hearing in the above styled case, heard before The Honorable Frank I. Richardson, Jr., Judge of the Circuit Court of Henry County, said hearing held in the Chambers of the Circuit Courtroom of the City of Martinsville, on January 15, 1981.

APPEARANCES: Mr. L. Dale McGhee
Law Offices Philpott & McGhee
Bassett, Virginia

Mr. Fred D. Smith
Attorney at Law
Martinsville, Virginia

Mr. R. Reid Young, III
Law Offices Young, Kiser, Haskins, Mann, Gregory & Young, Ltd.
Martinsville, Virginia

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IN CHAMBERS:

(Witnesses are called and sworn.)

THE COURT: Mr. McGhee, this is the Hestelle Crews Richardson Case?

MR. McGHEE: Yes sir.

THE COURT: Which involves three children?

MR. McGHEE: Yes sir.

THE COURT: Do you want to give me a summary of your position or just go ahead with the evidence?

MR. McGHEE: I think it's pretty well set out in the divorce. We asked ---

THE COURT: Tell me what specific grounds you intend to seek?

Are you proceeding under more than one?

MR. McGHEE: It would be under 283(b) Item C and also (c). Also, under C, basically the position is that the children were originally placed with the Henry County Department of Social Services for neglect and abuse and since that time, the parent has not - plan was prepared by the Department and the parent has not made progress toward complying with it in order that the children can be returned and due to the time, involving the age of these children, it is the Department's position now to terminate the parental rights of the mother because of the failure to make any

progress toward correcting the conditions that would permit the children to be returned to the home. Mrs. Anderson has prepared a report. Mrs. Anderson, if you would just briefly run through this case from the point that custody was awarded.

The first witness, BETTY ANDERSON, having been duly sworn, testified as follows:

DIRECT EXAMINATION - QUESTIONS BY MR. McGHEE

A. We received temporary custody of Rosie Faye Crews and Patricia Lee Crews on November 28, 1978 and then got custody of Mary Ann Crews on November 30th, 1978. And, since that time I've been working with the mother in a chance to return the kids back to her. For a period of time she did real well, she worked really hard, was trying to get the kids back. December of 1979 she was in a situation where we were feeling very confident that she would get the kids back and then following that she showed no interest from December to May. We had no contact with her. December of '79 to May of '80. Several attempts were made to try and get in touch with her and there was no response. Appointments, she did write one letter, she said, "Please schedule me an appointment", which I did. I notified her of that and she did not keep that appointment. And, between May and this time I have let Mrs. Richardson know that we were going to have to make

some other plans for the children if she could not provide a plan because they were really in need of permanence at this point in time. In the meantime she has married Mr. Richardson and we also have a lot of confluence about his ability in parenting. He was previously married and there's some question about whether there was a divorce from that first wife. He also has some type of nervous disorder which we are a little concerned about. We don't know how that may affect his parenting ability. And, their renting situation at this time is a concern to us.

Q. What the basis of the original placement by the Court with the Department?

A. We received a call from the emergency room at the hospital stating that they had a child who was severely bruised and we went to investigate. Mrs. Crews, at that time, Mrs. Crews gave us several different stories as to how the bruises had gotten on the child, and we couldn't pinpoint what the cause had been, so we requested emergency custody at that time and the children were removed on that date. We later were told, it was in the office, two other workers were told that Raymond Crews, who was her brother-in-law that she was presently living with had put the bruises on the children, and he was later convicted of that charge, charge of child abuse.

Q. I believe you have some photographs?

A. Yes, sir.

MR. SMITH: I object to the photographs. There's no allegations this mother placed any of this on this child, and there's no evidence of that and I object to the introduction.

THE COURT: I overrule the objection. I feel like they were in her custody at the time that this was done to them, so I would like to see them for whatever value they are. (The Court views photographs.) All right.

Q. Mrs. Anderson, I believe you also have some up to date or current, recent, photographs of these children?

A. Yes sir.

Q. Where is Mrs. Crews or Mrs. Richardson now residing?

A. Her present home is out toward Irisburg, the home there is jointly owned by Mr. Richardson and his brother, I understand. It's a four room house. They have one room set up for the children if the children were to be returned, which has three beds. It's a small space but the four rooms are adequate space. Our concern, there's no running water, no plumbing and an out house is in the back. Mrs. Richardson has said that she thinks she will be able to work with that situation but we're a little uncertain of that, with no running water to bathe the children.

Q. Since the time that the children have been with the Department, has she made any contribution toward their support?

A. No support has been paid. She was ordered at one time to put the children on her insurance policy when she was employed at American and she only remained at that job several months, as I recall.

Q. Where is she employed now?

A. She's not presently employed.

Q. Do you know when she was last employed?

A. From October, 1979 to January 22, 1980 she was employed at American Furniture.

Q. The father of the children you indicated was deceased?

A. That's correct.

Q. In other words he was a victim of a homicide?

A. Yes, he was killed by Mrs. Richardson's brother, Archie Wilson.

Q. How long ago had this been before she moved in with this brother-in-law?

A. I'm not really sure of the period of time.

Q. At the time the Department was awarded custody of the children, who was living in the house with them, other than the mother and the children and her brother-in-law?

A. That was it. They were in a trailer, with the brother-in-law, Mrs. Crews and the three children.

Q. Now, what plan did you prepare to work at that time with Mrs. Crews to return the children to her custody?

A. We explained what needed to be done, get a suitable home and how to provide for the children financially, as well as learning some parenting skills, that we felt like maybe she needed some help with. We made resources available to her which we had which were counseling, she was to report to the Virginia Employment Commission, Vocational Rehab. was discussed, she went through some mental health counseling, was referred to the Virginia Legal Aid for assistance with the legal problems she was having getting the children, she was referred to the Health Department, was also referred to adult education classes and rental assistance to help her in locating a place.

MR. SMITH: Where did this break down?

A. December of '79 apparently something occurred that apparently became more important or kept her from being in touch with our agency to further these plans.

Q. When did you hear from her again?

A. May of 1980, would have been ---

Q. During that period did she visit with the children?

A. No sir.

Q. Had no contact either with you or with the children?

A. No sir.

MR. McGHEE: Answer questions for Mr. Smith

CROSS-EXAMINATION - QUESTIONS BY MR. SMITH

Q. You've indicated Mrs. Richardson complied with the plan you prescribed until December of 1979?

A. Yes sir.

Q. And you have no contact with her until April or May?

A. That's correct.

Q. And that's about the time you all were instituting proceedings to terminate parental rights?

A. This is when they began discussing it with Mrs. Richardson.

Q. What was the date you all filed your petition?

A. I don't even have the exact date with me. It was several months following that we continued to let Mrs. Richardson know that this was the plan we were going to have to pursue unless she could show that she was legitimately concerned and willing to provide and she did not do that during that period of time.

Q. Did she make it known to you all that she was without transportation, without means to make 'phone calls during that period of time due to a change in her living arrangements?

A. Three, she telephoned in May - I'm not sure I understand your question.

Q. In December of 1979 to May of 1980?

A. She stated that in the past hearing but we felt she could have gotten in touch by telephone or letter, she did get in touch by telephone in April. We felt that she should have made some effort to contact the Department.

MR. SMITH: That's all the questions I have at this time.

QUESTIONS BY R. REID YOUNG, III

Q. Mrs. Anderson, isn't it true that Patricia, the youngest child had a severe problem at one time for failure to thrive or inability to thrive?

A. Yes sir.

Q. And that the Public Health Nurse worked with Mrs. Crews at that time in efforts to show her, or give her a schedule on which the children would be better fed and better cared for?

A. Yes sir, she worked with them real closely for a period of time and the child was finally put into the hospital in Charlottesville, prior to that she had not gained any weight and had not made any progress since February 1st and they felt there were problems within the home.

MR. SMITH: I object to that. I want to object to

all of this. The Public Health Nurse is not here to testify to any of this. This is not included in the report.

A. She was supposed to be here. I called and she was subpoenaed, but there was some confusion with the subpoenas getting to Pittsylvania County.

THE COURT: I'll sustain the objection at this point.

Q. Did Mrs. Richardson ever indicate to you that she wanted someone else to care for t-e children?

A. She has related to me that if she could not get the children who she would not want to have them. She has discussed that with me.

Q. When the allegation of child abuse was made, isn't it true that Mrs. Richardson at first denied to you having any knowledge of what happened to Patricia, the youngest child that was abused?

A. Through an agency representative she did. She denied knowing what the causes were.

MRS. SMITH: I object to that. Representation wasn't made to Mrs. Anderson, that's hearsay.

Q. Did she ever make any statement to you, Mrs. Anderson, as to who inflicted these bruises on the child?

A. Yes sir, she told me that Raymond Crews did.

Q. Did she indicate to you anything that she did to prevent this from occurring or what she did to alleviate this problem that existed within the trailer?

A. She was aware that the bruises were there and that it had occurred.

Q. How was Patricia -- Patricia is the child in the picture that you're holding right there?

A. Yes.

Q. How old was she at the time these bruises were inflicted?

A. One.

Q. One year old?

A. Uh-huh. One and several months, one and three months.

Q. Since the Court, or Department of Social Services received placement what has been the reaction of the children when they have seen their mother?

A. The children previously were extremely upset by visitation. There were temper tantrums, excessive crying for several days, regressing with bedwetting. The most recent visit following the Court Hearing we did arrange a visit for the children with the mother. This was December 4 of 1980. The children,

especially Patricia, did not recognize their mother at first. The older child did. There was no reaction in leaving. The children did not get upset, did not react. They enjoyed their visit. They had a nice day playing in the park, but they were not upset upon leaving. There was no bedwetting or the previous problems.

Q. Would you relate to the Court the present environment that these children have?

MR. SMITH: That's irrelevant. The present foster home, what the condition there is, is irrelevant to this proceeding.

MR. YOUNG: I respectively submit that it is a very relevant question. What the Court is looking at is what is in the best interest of these children in light of all the attenuating circumstances.

MR. SMITH: The agency can't make any guarantee where these children are going to be.

THE COURT: It's all right for her to tell what she observed. The difference in the children before and now.

A. Well, I have pictures of the children at present if that is of interest to the Court, for what that's worth. Mary Ann, the oldest child, has adjusted

extremely well and she is a very good student in school. Rosie Crews is in daycare. She has also adjusted extremely well.

THE COURT: What was the oldest child's, Mary Ann's, school record before placement in the foster home?

A. She was not enrolled in school before this because she would have been in kindergarten. It would have been at the beginning of her schooling.

THE COURT: She wasn't enrolled because she wasn't old enough or because ---

A. I think that's correct. I'm not certain.

THE COURT: She was born in '73, that would make her seven years old now and you've had her for two years. All right.

MR. YOUNG: I have no further questions.

THE COURT: You testified that you have some question about the present marriage arrangement between Mr. Richardson and the mother of the children What is that situation?

A. Our agency records indicate that Mr.

Richardson was previously married to two women. The first being a Mabel Powell; the second being a Lillie Wagner. Our records of Lillie Wagner show that -- there is a letter stating that she was never legally married to Mr. Richardson because there was no divorce for Mabel Powell.

Mr. Richardson has been unable to show us otherwise.

MR. SMITH: Your Honor, I object to that. It's a burden on the department to prove this marriage is illegal.

THE COURT: We have enough presumption anyway. Do you know that they are married? Do they have a marriage license?

A. They have a marriage license.

THE COURT: All right. You stated that Mr. Richardson has some mental problem.

A. A nervous disorder. I've written the Veterans Administration; I've not gotten any information back concerning that.

THE COURT: Well, just tell me as much as you can about what you know

about his condition or what you have observed of him during this period of time?

A. Only that he has been extremely nervous at times, and that the pressure of three children that age could be a little too much for him to handle. I really don't know.

THE COURT: Well, what does he do? Does he work, stay at home -- what?

A. He's employed at Doyle but he's had an accident and the time I have had exposure with him he has been out of work due to an injury that he received.

THE COURT: Is he providing support for his wife?

A. I'm assuming so.

THE COURT: And how has the mother presented to you how she would support these children if she had them?

A. Mr. Richardson would help with that and the children draw Social Security benefits from their father's death, and she feels that with that extra amount of money she would be able to support the children.

THE COURT: What has been her reasoning for not being able to work

while the Department has had the children?

A. She states she's been unable to locate employment.

THE COURT: Do you know if she's tried?

A. I think she has tried up to a point, but then the last several months I'm not certain. In the past I know that she did.

THE COURT: All right, that's all the questions I have. I do want to ask one other thing: You testified that the youngest child, Patricia, you found signs of abuse. Did you find any signs of abuse on the other two children?

A. Only signs of neglect, not signs of physical abuse.

THE COURT: All right, tell me what you consider neglect and what you found.

A. The children were very dirty. It was November, it was very cold that day, the children were not properly clothed. There are pictures to show that I think

within that group. They were hungry. When we picked up Mary Crews she had not eaten, she stated that she was very hungry; and they had no stable living situation at that time. These are the things that we would consider neglect.

THE COURT: This is the time that she was living with her brother-in-law?

A. Yes.

THE COURT: All right. Do you have anything else?

RECROSS EXAMINATION - QUESTIONS BY MR. SMITH

Q. At this point and perhaps for some period of time you don't have any information to lead you to believe that Mrs. Richardson has any problem with the Crews family?

A. She requested they have no contact with the children. I know that there is still a problem there for sure, a conflict.

Q. Well, if they are ever together, but as long as they are separate there's no problem?

A. I don't know that I can really answer that.

Q. Well, the Department has involved the Raymond Crews in the allegation that he abused the

children and Mrs. Richardson has indicated to the Department that he did strike the child, Patricia. Did the Department have any information at all that Mrs. Crews has now, or Mrs. Richardson has now solved the problem with the Crews' and is now out of that family situation and away from it?

A. That much is settled but our concern is not ---

Q. I just want you to answer my question: You don't have any concerns at all about the Crews' family being any problem to Mrs. Richardson at this point?

A. Not at the present.

MR. SMITH: That's all I have.

MR. McGHEE: We Rest in Chief.

MR. SMITH: I'd like to make a Motion at this time to strike the evidence of the Department. The Counsel for the Department indicated they were relying on 16.1-283 Paragraph C the gist of which is that the parents have failed to comply with the plan for a period of 12 months. Mrs. Anderson has testified in response to my question Mrs. Richardson complied in her view with all the requests of the Department when the time of the temporary custody in November of 1978 through December of 1979, that she had apparently been working towards and in compliance with that effort for a period

within, well within one month in excess of 12 months. They have not born their burden of proving the 12 month lag that the Statute requires. Their evidence is wholly lacking in that point. For that reason their petition to terminate the parental rights must be stricken.

THE COURT: My recollection of the evidence, Mr. Smith, is that she complied fairly well up to that point, and then from December, '79 to May she completely abandoned the children, dropped out of sight, did not call, contact; and any plan that she may have been under or any net results that would be positive for taking care of these children were abandoned at that point. I don't really see that your Motion has substance, so I'll overrule it.

MR. SMITH: All right, sir. We'd like the Record to reflect our exception and objection to the Court's ruling in that the Department has not shown the requisite period of time for failure to comply with the plan.

THE COURT: All right. You do agree that they took charge of the children

sometime in November of '78?

MR. SMITH: Yes sir.

The next witness, HESTELLE CREWS RICHARDSON, having been duly sworn, testified as follows:

DIRECT EXAMINATION - QUESTIONS BY MR. SMITH

Q. You are Hestelle Crews Richardson?

A. Yes sir.

Q. How old are you, Mrs. Richardson?

A. Twenty-six.

Q. You are the mother of these children we are here today about?

A. Yes sir.

Q. How old were you when you got married?

A. Eighteen.

Q. How far did you go in school?

A. I went to the 4th grade.

Q. Did health problems prevent you from finishing school or attending school?

A. Well, I was sick when I was growing up.

Q. But you can read and write?

A. Yes sir, I can read and write.

Q. Now who did you marry when you were 18?

A. Robert Lee Crews.

Q. When was your first child born?

A. I don't remember. I was almost 19.

Q. Where did you all live, Mrs. Crews, when you all were married?

A. We lived in a trailer beside his momma and daddy.

Q. Did you live in that trailer the whole time you were married?

A. No sir.

Q. Where did you live after that?

A. He took me home to Momma and he went home to his momma.

Q. Was that just some marital problems you all were having?

A. No sir, he just didn't work and his daddy ran him out of the trailer.

Q. He didn't work?

A. No sir.

Q. During the period of time you were married to him how much did he work?

A. Well, he worked over a year at Martinsville Hospital. In other places he worked maybe a week or three or four days and then he'd quit.

Q. Were you working during this period of time?

A. No sir, he wouldn't let me work.

Q. What were you doing?

A. I was at momma's with the children.

Q. How long were you all married before he was killed?

A. It didn't lack many months being six years.

Q. How did you all get along?

A. Not good at all.

Q. Did you work any during the time that you were married and up until the time that he was killed?

A. No sir.

Q. You had never worked any public work to that point?

A. No sir.

Q. You stayed at home and looked after these children?

A. Yes sir.

Q. What happened after he got killed?

A. Well, his momma and them told me I could stay with her.

Q. Where were you and the children staying when he got killed?

A. At momma's.

Q. Your mother's?

A. Yes.

Q. Where was he staying at the time he got killed?

A. Well, he was with his momma.

Q. How long had he been without doing any work at the time he was killed?

A. A year.

Q. After his death did you continue to live at your mother's?

A. Well, I stayed with his mother for a couple days and then I went back to my momma because they was fussing at the children so I took them and went back to my momma's.

Q. Who was fussing at the children?

A. Mostly his daddy.

Q. Your father-in-law?

A. Yes sir.

Q. Now how did things go when you got back to your mother's?

A. Well, we got along good.

Q. How long did you stay at your mother's?

A. I stayed with momma about three or four months.

Q. And did you go somewhere else after that?

A. Yes sir, that's when me and my brother-in-law rented this trailer on 58 coming into Martinsville.

Q. Why did you stop living at your mother's?

A. Well, it was cold and we didn't have no heat. I slept on the floor with the children.

Q. Did the children have a place to sleep at your mother's?

A. Yes sir, they had a place on the floor on a pallet with me.

Q. How did you get involved with your brother-in-law?

A. Well, he kept coming out, said he was going to help me get a job and get my license.

Q. Your driver's license?

A. Yes sir, and that's how I got involved with him.

Q. What happened when you went to the trailer with your brother-in-law?

A. Well, I was working then ---

Q. Where did you get work?

A. Over here at Nationwide Homes.

Q. Who helped you get that job?

A. He did.

Q. All right, go ahead.

A. We got along good. He got along good with the children, and my sister, my older sister, she was

babysitting and then when she quit babysitting I had to quit work, and then that's when all of it started. He come in from work -- after I quit work he didn't like the children around.

Q. What happened to the way he got along with the children after you quit work? What would he do?

A. Well, he got along good with them till it come time to eat and he thought the children were supposed to eat as much as he did, and that's when he beat the little baby for not eating.

Q. That's when you took her to the emergency room?

A. Yes sir.

Q. All right, up until the problem with him beating the little child how long had you been with your brother-in-law then?

A. I had been with him six or seven months.

Q. All right, of course when you took the child to the hospital then -- did you do that?

A. Yes sir, I took her.

Q. How long was that after your brother-in-law had beaten the child?

A. Well, he beat her that night.

Q. So you took her straight on to the doctor?

A. Well, I stayed up with her all that night. After he left that morning I asked the man that we rented from to take me up there, and I took her to the emergency room.

Q. That's when you lost the children?

A. Yes sir.

Q. That day?

A. Yes sir.

Q. What happened after you lost your children?

A. We moved.

Q. Where did you move to?

A. We moved to a trailer in Ridgeway.

Q. Still with your brother-in-law?

A. Yes.

Q. Okay.

A. Then they took him into Court and he pulled 40 days in jail -- not quite 40.

Q. Was that Court sentencing for beating the child?

A. Yes sir. Then when he got out I told him to go his way and I'd go mine, that I didn't want to have no more to do with him.

Q. What happened when you told him that?

A. He went home and he came back, and we

was at the store and that's when he started shooting at me.

Q. Because you told him you didn't want to have anymore to do with him?

A. Yes.

Q. What happened after the shooting incident?

A. Well, they took him into Court, but before we took him to Court he came back and he shot seven times at the house because I wouldn't go back to him.

Q. All right, where did you start living after ---

A. Well, I stayed with my momma some and then I stayed with my oldest sister some.

Q. When were you able to get Raymond Crews away from you -- when was the last time you had any contact with him or he bothered you?

A. It's been a long time. I seen him day before yesterday in Court.

Q. In Court?

A. Yes sir, I testified against him. They gave him four months.

Q. What was that for?

A. That was for breaking his parole.

Q. Was he on probation for the shooting incident?

A. They gave him two years probation for beating

the baby and then he broke his parole because after he got out of jail before his 40 days for beating the baby, he shot into the car. He was still on probation then.

Q. Was it your car he shot into?

A. No sir.

Q. Whose car was it? Your husband's, Mr. Richardson's?

A. Yes sir.

Q. When did you and Mr. Richardson get married?

A. We were married March 2. We've been married two years this coming March.

Q. That was in 1979?

A. Yes sir.

Q. Now your present husband, Mr. Richardson, had some trouble with the Crews' -- didn't he?

A. Yes sir.

Q. And he served some time over a shooting incident with the Crewses?

A. Yes sir.

Q. Now I'm going to ask you some questions about the time of your involvement with Mrs. Anderson and the Department of Social Service: What contacts did you have with the Department, what did they ask you to

do and what did you do? Just describe for Judge Richardson everything that happened between you and the Department of Social Services.

A. Well, she advised me to get a job.

Q. What did you do about that?

A. For awhile I did have a job.

Q. Where did you get a job?

A. I worked at American.

Q. How long did you work there?

A. Well, I went there about the last of September and I got fired in January.

Q. This would have been in '79?

A. Yes sir.

THE COURT: You were working where?

A. At the American Furniture Factory.

Q. What happened, why did you lose your job there?

A. Well, my mother-in-law by my first marriage kept us in and out of Court with them, and then Mrs. Anderson, she left a note at the door that I should contact her that there was something wrong with the children, that something had happened and she needed to talk to me so I laid out of work the next day to call her and I called them and that's when she told me that one of the

children had got ahold of some matches and had set the house on fire.

Q. That was at the foster home she was staying at?

A. Yes sir. When I went in to work the next day the bossman didn't even tell me they fired me, he just motioned for me to go back downstairs.

Q. Okay, and you had been laid off then?

A. Yes sir.

Q. What was the first public job that you had ever had -- was that after you lost your children?

A. Yes sir.

Q. And where was that? Was that at American?

A. The American.

Q. Have you worked anywhere other than American since you lost your children?

A. I worked over at Gravely Furniture.

Q. When was that? Do you recall when that was that you worked?

A. I don't remember now what month, but it was last year.

Q. Was it before or after you worked at the American?

A. It was after.

Q. How long did you work there?

A. I worked for about two weeks.

Q. What happened to your job at Gravely's?

A. Well, my husband, he was out sick ---

Q. That's Mr. Richardson?

A. Yes sir, and then I had to go down to the Bank for him and I went by and told the bossman I had to go, and he said I wasn't there 30 days to make deductions and he was going to let me go 'cause if I was going to work I was going to stay there.

Q. Since then have you been staying at your home in Irisburg?

A. Yes sir.

Q. What kind of home do you all have there?

A. We have four rooms. I have two beds in one room and one bed in the other room. I have a kitchen and a living room.

Q. I don't believe you all have any running water yet?

A. No sir , but we haul our water. I've got an outhouse. We have a big building in the back.

Q. What do you use that building for?

A. Well, we just store furniture and stuff in it

Q. Can you look after the children there?

A. Yes sir, I feel like I can.

Q. Who looked after those children when they were with you?

A. I looked after them.

Q. Did Mr. Crews -- what kind of relationship did he have with the children? I'm talking about your husband that was killed.

A. He didn't know them that well.

Q. Do your children know Mr. Richardson?

A. Yes sir.

Q. How did they get to know him?

A. Well, they met him at momma's one night. They stayed down there when my sister kept them.

Q. This was after your husband was killed?

A. Yes sir.

Q. Do they get along all right with him?

A. As far as when I was with them and when they was around him.

Q. Mrs. Richardson, what did you tell the Department about how the child that was bruised got in that condition?

A. Well, at first I told them that she fell down.

Q. Why did you tell them that?

Q. Now I want to ask you what happened between December of '79 till about May. This is the period of time Mrs. Anderson was telling us about her losing contact with you. Tell the Judge what was going on then and why did that happen.

A. The reason I couldn't get to see her, I didn't have no way.

Q. Why didn't you have a way?

A. Well, my sister and them ran around, they always had time to go where they wanted to go or they wanted me to watch their children while they went to Town and come back, and she never would have time to take me and she wouldn't lend me her car. Everytime I would go to borrow a phone from somebody they'd say I'd run their bill up and I wasn't working and I wouldn't pay for it. But most of the times when I called them it was a long distance phone calls and I wasn't able to pay the bill and I did make some long distance phone calls.

Q. During this period of time?

A. Yes sir.

Q. To the Department?

A. I called them when --- It was when the baby you know, set the house on fire. I made a long distance phone call to her then.

Q. Was this during the period of time that Mrs. Anderson was talking about that there wasn't any contact between you and her or the Department?

A. No sir, I'm sorry. I didn't call then because the phone bills had come where I did call her and I couldn't pay them and they wouldn't let me use it.

Q. Now Mrs. Anderson indicated that you sent a letter some time during this period of time?

A. Yes sir, I sent her a letter.

Q. What did you say in your letter to the Department?

A. I did tell them that I had had some trouble and I would like for her to make me an appointment.

Q. Okay, and did you go in to see her then?

A. No sir, my sister wouldn't take me. She let on like she didn't have no gas and the car wouldn't crank.

Q. When did you and Mr. Richardson start staying in your home down in Irisburg?

A. We went down there in the Fall.

Q. Of 1980, this past year?

A. Yes sir.

Q. Was this after he finished serving some time?

A. Yes sir.

Q. Except for his health have you all been getting along all right down there?

A. Yes sir.

Q. I believe he's down with the flu today, but he's here -- is that right?

A. Yes sir.

Q. Do you know of anything the Department asked you to do that you didn't try your best to do?

A. There wasn't nothing that they didn't ask that I didn't try to do.

Q. Did they ask you to go to the Health Center?

A. Yes sir, and I went.

Q. Did they ask you to go to the Health Department?

A. Yes sir.

Q. Did you go to the Health Department?

A. No sir, I didn't go over there.

Q. You've testified about the work you were able to get. Where else did they ask you to go to that you recall?

A. Well, she asked me to go to the Virginia Employment place for them to help me get a job, but I had a guaranteed job at the American so I didn't feel

like I needed to do that.

Q. Where else did they ask you to go and what things did they ask you to do?

A. One other place.

Q. Was that the Rehabilitation?

A. Yes sir, but I asked her to set me up an appointment but I had a problem.

Q. Of course, the visits are listed here that you visited the children: January, February of last year, 1979; April, May, July, August and December. It appears the time the agency had no contact was January 22 of 1980 until April 8 of 1980. January -- was that when you got laid off at Gravely?

A. No, that was American.

Q. American, okay.

MR. SMITH: That's all the questions I have of Mrs. Richardson.

CROSS EXAMINATION - QUESTIONS BY MR. McGHEE

Q. You're 26 years of age?

A. Yes sir.

Q. And you've worked at both American and Gravely?

A. Yes sir.

Q. And you worked how long at American?

A. Almost four months.

Q. You worked two weeks, you say, at Gravely?

A. Yes sir.

Q. These places indicated that when you are scheduled to work they expect you to be there?

A. Yes sir.

Q. When were you and Mr. Richardson married?

A. We were married March 2, '79.

Q. March of '79 -- you've been married almost two years?

A. Yes sir.

Q. And did you live from that time, from the time you were married -- March of '79 up until now with him

A. Yes sir.

Q. Where did you all live?

A. We live over on Irisburg Road.

Q. When were you in Pittsylvania County?

A. That's when we was riding to work with my sister. We stayed with them on the weekdays and went home on the weekends.

Q. You indicated he served a little time?

A. Yes sir.

Q. Do you recall when that was?

A. '79 I think.

Q. After you were married?

A. Yes sir.

Q. Who did you live with while he was serving time?

A. I stayed with my momma and my sister.

Q. Well, didn't you get back with Raymond? Was it Raymond?

A. Yes sir.

Q. For the Record, although Mr. Smith has been over this -- in 1979 you visited with your children, or at least some of them, on five different occasions?

A. Yes sir.

Q. Then from January until April or May they didn't hear anything from you. Why were you during that period of time?

A. I was at my momma's.

Q. Was that when your husband was pulling time?

A. Yes sir.

Q. Where does your mother live?

A. She lived at Price Fork then.

Q. Where?

A. It's Cascade.

Q. And who was living in that house then?

A. With my momma?

Q. Yes.

A. My brother and my other two sisters.

Q. Do they work?

A. My sister works at American.

Q. Does your brother and other sister work? How old are they?

A. My brother is 20-some and my younger sister is 14.

Q. All right, your brother that's 20-some -- does he work?

A. Well, he works on motors and things.

Q. Does your mother work?

A. No sir.

Q. After the children were taken you indicated that you continued to live with Raymond?

A. Yes sir.

Q. At the time you and your husband, Mr. Richardson, married did you know what his marital status was at that time?

A. Yes, I knew that he had been married before.

Q. Did you know whether he was still married at the time that you married him?

Q. Did you see him frequently?

A. Yes, I'd see him.

Q. Did he bring you to the agency or drive you to the agency to see the children?

A. Yes sir, him and his momma took me and was trying to get Mrs. Anderson to let us see the children.

Q. In fact Mrs. Richardson, you did testify under oath that the way your youngest child, Patricia, sustained these bruises was because she fell repeatedly down on a concrete wall?

A. Yes sir, I said that.

Q. And that was the position that Raymond Crews took?

A. Yes sir.

Q. You answered Mr. Smith's question that you took the children, after Raymond had beaten the children, you took Patricia to the hospital. You didn't take her to the hospital because of these bruises, did you?

A. Yes sir, I did.

Q. You took her because she had a bad cold?

A. Well, she had a cold and she was running a fever.

Q. And wasn't it Dr. French that saw ---

A. Dr. Bing.

Q. Dr. Bing - and they later called in Dr. French, did they not?

A. I don't know who all they called. I know it was a whole lot there.

Q. In fact, your relationship with Raymond Crews - you never testified against him until after he had been convicted of the child abuse - isn't that an accurate statement?

A. Yes sir.

Q. Are you afraid of him at the present time?

A. No sir, I'm not afraid of him.

Q. Why aren't you afraid of him now?

A. Well, I don't need to be.

Q. Why is that, Maam?

A. Well, I said that when he comes back around trying to start trouble there's people that can pick him up.

Q. Couldn't these same people have picked him up when your husband was in jail?

A. Well, they didn't have a warrant out.

Q. What is your husband's present medical or mental condition? Do you know?

A. I do know that he gets all nervous sometimes. Everybody does that.

Q. Isn't it true that in the two years that you've been married -- or it'll be two years in March -- isn't it true that you've only lived with your husband for approximately three months?

A. I've lived with him longer than that.

Q. How much of that time would you say that you have lived with him?

A. Eight or nine months, probably.

Q. Did I understand you to say that you were working at either American or Gravely Furniture during January of 1980?

A. No sir, I worked at Gravely in September of 1980.

Q. Wasn't this during the period of time that you had little, if any, contact with your children?

A. No sir, this was last year that I worked at Gravely's.

Q. All right, was it December until May of this year, December of 1980 until -- that couldn't be right. Was it December of 1979 until May of 1980 -- was that the period of time that you didn't -- and you were working during that period of time at one of those

two places -- were you not?

A. I was working at the American.

Q. Didn't you have access to a telephone there?

A. I called Mrs. Anderson from work sometimes.

Q. Did you make any requests during that period of time to see your children?

A. Well, she only set appointments up for me to come in and see her when I worked at the American.

Q. My question, ma'am is: Did you make any requests to see your children during that period of time?

A. Well, we'd talk about it when I'd go in to see her.

Q. Can you give Judge Richardson an idea of why you didn't see your children during that four or five month period?

A. Yes sir. If you don't have no way to go, you cannot go. If you don't have a phone, you can't call because there ain't nobody going to lend you one to run their phone bill up.

Q. Isn't it true, Mrs. Richardson, that Mrs. Anderson and other members of the Department of Social Services on more than one occasion offered to provide transportation for you?

A. No sir, they did not come to Pittsylvania County and get me and bring me to Henry County.

Q. When you lived in Henry County didn't they offer to do it?

A. I lived in Pittsylvania County while I worked at American.

Q. At any point in time did they offer to provide transportation for you?

A. No sir, I went to Court one day to put the children down on my insurance and Mrs. Anderson took me from the Courthouse back to American because I walked from the American up Town.

Q. What was your daughter's problem, Patricia's problem why she wouldn't grow or she wasn't thriving while she was under your custody and control?

A. Well, she would drink milk some and she would eat some but she wouldn't eat that much. She would spit it back up and she wouldn't eat it.

Q. Do you know what was wrong with her?

A. No sir, I didn't know what was wrong.

Q. How long did that condition persist?

A. Well, I took her to the DanvilleHospital when she was about four months old and they kept her in there a week and then they sent her to Charlottesville.

Q. She was 15 months old at the time she was removed from your custody, was she not?

A. Yes.

Q. So this condition existed for 11 months or more than 11 months?

A. Well, she stayed in the hospital in Charlottesville for a month.

Q. The last time you saw your children in 1979, December of '79, isn't it true that the Department of Social Services took the children to Pittsylvania County to see you then?

A. No sir. Well, they brought the children down December 27 to visit me for Christmas and I took them back.

Q. That was my question, ma'am. Isn't it true --- you testified before that they didn't make any offer to provide transportation ---

A. That was for the children.

Q. But they brought the children to you, didn't they?

A. Yes sir, but I brought them back to the agency.

Q. Did you make any request that that arrangement be done at any time? That they bring the children

to you since you didn't have transportation?

A. Well, for a long time I always did it at Mrs. Anderson's office and then I'd meet her at the church.

Q. Would it be a fair statement to say that you did not make that request?

A. Yes sir.

Q. Whose idea was it in December of 1979 to bring the children to visit with you in Pittsylvania County?

A. Well, I asked Mrs. Anderson could I keep them for Christmas, Christmas Day, and she said that she'd make me a visit for the children to visit me after Christmas Day.

Q. How long did you go the the mental hygiene clinic here in Martinsville? How many visits did you have with them?

A. I don't remember how many visits I kept.

Q. Would there be more than five or less than five?

A. Probably about four or five times.

Q. Did you miss any appointments that were scheduled for you?

A. Yes sir, I think I missed some.

Q. Have you had any assistance or any guidance in the care for your children from any agency or any particular person since the children were taken from you?

A. Me and Mrs. Anderson talked about it some. I don't remember the name of it, but there was some place that she was talking about and I told her I would go, would be glad to go to the class.

Q. Did you go?

A. I ain't had no appointment.

Q. How has your financial situation improved since the children have been taken from you?

A. What was that again?

Q. Has your financial situation improved since the children were taken from you?

A. Well, as far as the money goes the only money we have coming in is my husband working and his VA check.

Q. It's true that the Department of Social Services receives the Social Security allotment that the children have? Is your husband a disabled veteran?

A. He's 40 percent disabled.

Q. Is it service connected?

A. Yes sir.

Q. How much money does he receive monthly from the government?

A. He gets $153.00.

Q. Has he received any workmen's compensation or unemployment now?

A. He's back at work.

Q. Did you know that?

A. Yes, I knew he was back at work.

Q. How long has he been working?

A. He's been working ever since just about that he got out of the hospital. He's been out for about a month.

Q. When did he go back to work?

A. Well, he was working the last time we was in Court.

Q. Did I understand you to say earlier that he had been off because he had been sick?

A. Well, he was out in the hospital in September and he was out in October and then he went back to work.

Q. In October?

A. About the last of October.

Q. And he's worked ever since then?

A. Yes sir.

Q. Okay, I'm sorry I misunderstood you. Do

you know why your children would get upset when you would have your visits during the period of time that they have been removed from your custody?

A. Yes sir, they asked to go home with me and wondered why they couldn't go home with me.

Q. Did you know that they had had a problem wetting the bed and that they cried a great deal?

A. Yes.

Q. Why doesn't Mary Ann, your oldest daughter, why doesn't she like Mr. Richardson?

A. As far as I know she does like him.

Q. Has she ever had any problems with him?

A. No sir.

Q. Has she ever expressed to you that she did not like Mr. Richardson?

A. No sir.

MR. YOUNG: That's all the questions I have.

RECROSS EXAMINATION - QUESTIONS BY MR. McGHEE

Q. Mrs. Richardson, prior to moving to Henry County you were in Pittsylvania County?

A. Yes sir.

Q. Is it true that the agency there had repeated contact with you from September 22, 1977 until after you had moved to Henry County?

A. Yes sir.

Q. This was repeated - the basis of those contacts were repeated neglect of the children before your husband died?

A. Yes sir, I would, sometimes I would prop the baby's bottle up while I was doing something for the other one.

Q. Up until your husband's death the children were not properly fed?

A. No sir.

Q. Now apparently after your husband's death the children stayed with a Mary Toney?

A. Toney.

Q. And who is she?

A. That's my oldest sister.

Q. Where were you when she was keeping the children?

A. I was working at Nationwide Homes.

Q. Where were you living?

A. I was living with my momma.

Q. Where does your sister live?

A. She lived next door.

MR. McGHEE: That's all.

QUESTIONS BY R. REID YOUNG, III

Q. Didn't I understand you to say that the only

public jobs that you had ever had was after the children had been taken from you and they were with American and Gravely?

A. Yes, he asked where was I working when Mary Toney kept the children. I worked at Nationwide.

Q. Have you worked anywhere other than Nationwide, American and Gravely?

A. No sir.

Q. What was the reason for your termination or why did you quit at Nationwide?

A. She didn't want to keep the children no longer.

MR. YOUNG: All right.

REDIRECT EXAMINATION - QUESTIONS BY MR. SMITH

Q. I just have one follow-up question, Mrs. Richardson: Mr. McGhee asked you about various involvements of the Pittsylvania County Department of Social Service and the Health Department. He asked you the question: Up until the time Mr. Crews' death, the children were not properly fed, and you said yes. Did you understand him differently? Are you saying that until your husband died the children weren't fed or properly fed?

A. No sir, I didn't understand what he said.

What I'm saying is they were fed, but momma wasn't working, there wasn't nobody working and momma didn't really have that much and we just had a little bit.

Q. You and your momma?

A. Yes sir, and my husband before he died he didn't do anything for them.

Q. As a matter of fact even after the death of your husband the Department there continued to have contact with you then?

A. No sir, the only way they see the children was when my sister Mary kept them and they went up to visit her.

MR. SMITH: All right.

THE COURT: At the time you were living with your brother-in-law, Raymond Crews, you said this youngest child was beaten by him. What did he do to her?

A. He just took her out of her chair and he turned her over his lap and he just beat her.

THE COURT: What did he beat her with?

A. With his hand.

THE COURT: And where were you at that time?

A. I was scared. I was standing there looking at him, and I grabbed the other two children.

THE COURT: Now, why were you living with him at this time?

A. Well, at the time when I first met him and he started talking to me he was real nice. He was helping with the children. He took very good care of the children.

THE COURT: Mr. Smith asked you did you have any other place to live at that time, did you?

A. No sir.

THE COURT: Where was your mother?

A. Well, she lived down in West Fork and they only had four rooms.

THE COURT: Well, you lived there before and you lived there after --- didn't you?

A. Yes, but I was working and the children were getting some Social Security. They just started drawing it, that's the reason why I left there.

THE COURT: What about your older sister?

A. Well, she only had four rooms and she had two little boys, and her husband was with her at the time.

THE COURT: Well, when you left Crews, where did you go?

A. The agency had got the children then.

THE COURT: And where did you go?

A. We rented a trailer.

THE COURT: Who did you live with there?

A. Me and him was still together until afterwards when he was tried and then I went back to momma's.

THE COURT: All right, and you heard Mrs. Anderson testify that she observed that the children were dirty and their clothes weren't -- didn't have clean clothes and that kind of thing. What are your comments on that?

A. Well, the children had been playing right before I had gotten them ready. The children did have clean clothes.

THE COURT: And how would you propose to take care of these children now?

A. Well, I feel like I can take care of them.

THE COURT: Well, how much money do you have to help support them?

A. Well, we have what money my husband makes.

THE COURT: How much is that?

A. He gets $153.00 from his VA check and he works at Doyle Ready-Mix and he gets paid there every week.

THE COURT: And what is his take-home pay?

A. Well, he brings home around $130.00 or more every week, when there ain't no short time.

THE COURT: And if they're on short time how much does he get?

A. He brings home around $100.00.

THE COURT: Is he on short time or regular time now?

A. He's on short time now.

THE COURT: How long has he been on the short time?

A. They just started this week.

THE COURT: The Department said that they started telling you in May of 1980 that if you did not comply with their requirements on meeting their plans and so forth and getting a job and providing adequate housing that they were thinking about petitioning

the Court to take permanent custody of these children. What did you do when they started telling you about that?

A. Well, I had been looking for a job. I look for one every time I come up Town. I go in the same places I had checked in, and I haven't come up with a job but I do have a house which it don't have running water and it don't a bath in it, but it's warm and it's clean.

THE COURT: How do you heat it?

A. We heat with wood.

THE COURT: Do you have a stove, a fireplace or what?

A. We have a heater. We have two wood heaters and an oil heater, and we have an electric stove.

THE COURT: All right now, you testified that you've been married to your present husband for approximately two years?

A. Yes sir.

THE COURT: And Mr. Young examined you and asked you how much time had you lived with him during this period

of time and you testified around eight months -- is that right?

A. Yes sir.

THE COURT: What happened during the other period of time?

A. The part that I wasn't living with him?

THE COURT: Yes.

A. I just said I stayed with my momma and my sister.

THE COURT: Why were you staying with them?

A. That was when he was pulling time.

THE COURT: On the shooting incident into the Crews' house?

A. Yes sir.

THE COURT: And so he was incarcerated the whole time?

A. Yes sir.

THE COURT: Were you involved in that shooting into the Crews' house?

A. No sir.

THE COURT: There has been some question about whether or not your marriage to Mr. Richardson is valid

and whether he has been divorced from one of his former wives -- do you know anything about that?

A. Yes sir, they are divorced. When we lived in North Carolina he had receipts that he had gotten him a lawyer to get that divorce, then when we moved I destroyed the receipts, and he had papers that she had remarried since him and her was married.

THE COURT: Has it been explained to you that if he has not been legally divorced then whatever marriage that you have between him is void?

A. Yes sir.

THE COURT: And you said you and this husband were living in North Carolina?

A. Yes sir, we lived there a while.

THE COURT: What part?

A. We lived over at 1440 Delaware Street.

THE COURT: Where?

A. In Eden.

THE COURT: In Eden -- were you working down there then?

A. He was working for G. B. Green Cement

Mixing.

THE COURT: And what is your husband's attitude about you having these children? Is he willing to provide support and do the things necessary to support them?

A. Yes sir, he is.

THE COURT: Have you discussed this with him?

A. Yes sir.

THE COURT: And what are your arrangements?

A. We're willing to do for the children what we can do.

THE COURT: How much of his salary is he willing to devote to provide for the children?

A. All that we can provide for them.

THE COURT: Well, have you talked about that?

A. Yes sir.

THE COURT: Do you have any debts?

A. No sir, we don't have none as far as I know.

THE COURT: Do you have any automobiles?

A. Yes, we own a car.

THE COURT: How much are you paying on your car?

A. It's paid for.

THE COURT: All paid for -- and your house, is that paid for?

A. Yes sir, we don't pay rent either.

THE COURT: And what about your utilities -- do you have any utilities?

A. Well, we have a light bill.

THE COURT: Is that the only thing you have?

A. Yes.

THE COURT: All right, that's all the questions I have.

REDIRECT EXAMINATION - QUESTIONS BY MR. SMITH

Q. Mrs. Richardson, do you know what your children's Social Security benefits are? How much that amounts to?

A. The last time I knew anything about it it was $400.00 a month.

The next witness, JESSE RICHARDSON, having been duly sworn, testified as follows:

DIRECT EXAMINATION - QUESTIONS BY MR. SMITH

Q. You are Jesse Richardson?

A. Yes sir.

Q. You don't feel so good today, but you're here any way?

A. No sir, I don't think I can talk at all.

Q. I'm going to ask you just a few short questions. Are you willing to look after these children and help Mrs. Richardson look after the children?

A. Yes sir.

Q. You're willing for them to be there in your home?

A. Yes sir.

Q. Do youwork at Doyle Ready-Mix?

A. Yes sir, I drive a truck down there.

Q. She's testified about how much money you take home when you work full time and short time -- is that right?

A. Yes sir.

Q. You get $150.00 a month or approximately that from the Veterans Administration?

A. A hundred and fifty-three.

Q. All right, is that from serving in Viet Nam?

A. Yes sir.

Q. How old are you, Mr. Richardson?

A. Thirty-six.

Q. To the best of your knowledge are you divorced from your previous wife?

A. Yes sir, I am.

Q. Do you all have any trouble or contact with the Crewes any more?

A. No sir.

MR. SMITH: That's all the questions I have.

CROSS EXAMINATION - QUESTIONS BY MR. McGHEE

Q. Mr. Richardson, if I recall the last time you testified in this matter you indicated that you were divorced somewhere in Texas?

A. Yes sir.

Q. But at that time you couldn't give us any information as to what had occurred or give us any information or any documents that indicate or would clear up that question?

A. Yes sir, the Army had the records.

Q. You say the Army has the records? You still don't have any records?

A. No, not yet. I've wrote for them.

Q. You have two children -- is that correct?

A. Yes sir.

Q. And who is the mother of those two children?

A. Lillie Wagner is one and Mabel Powell is the other one.

Q. One child by one marriage and one child by another marriage?

A. Right.

Q. And the record indicates that on April 19, 1979 you were required to pay $217.00 per month for the support -- is that true?

A. I was required to pay so much a month.

Q. Two hundred seventeen dollars a month -- are you paying that?

A. No sir.

Q. You're not paying your support for your two children?

A. I'm paying some but not no $217.00.

Q. How much are you paying?

A. Twenty-five dollars a week ---

Q. Twenty-five dollars a week -- is that for one or both?

A. That's for one.

Q. So you're only supporting one of your children?

A. Right.

Q. The record also indicates that in April of 1979 you were $4,455.00 behind -- have you caught that up?

A. No sir, I have not.

Q. You make those payments to the Henry County Juvenile and Domestic Relations Court?

A. I've been making my payments to my wife.

Q. You pay her directly?

A. Directly.

Q. Where is she?

A. She lives in Collinsville.

Q. According to the records both of your children are receiving welfare benefits -- is that correct?

A. I don't know, sir.

Q. You don't know how they are being supported?

A. No.

Q. Well, you indicated that you're paying now how much a month or a week for the support of the children?

A. I send $25.00 a week -- during the winter we had that weather break.

Q. So apparently this order to pay $217.00 you never complied with it -- is that correct?

A. I haven't had a chance to comply with it.

MR. McGHEE; All right.

MR. YOUNG: I have no questions.

THE COURT: Mr. Richardson, if you are not supporting your children by your other marriages why do you think you should obligate yourself to support these children that are not yours?

A. I'm trying to support my children and I will do what I can.

THE COURT: Are you telling me you are going to support these children or are you going to try?

A. I'll do all I can, sir.

THE COURT: I'm talking about facts and figures - how much?

A. Well, I send $25.00 a week to them and I have my heat bill and all.

THE COURT: All right, that's all the questions I have.

MR. McGHEE: That's all the evidence, Judge.

CLOSING ARGUMENT - MR. McGHEE

If it please the Court, the children have been with the agency now for over two years. They range in age from seven to three. The ages three to seven, indicate that at the time they were taken they were from ages one to five. During that period of time, we first face the situation that while this doesn't have a direct bearing, I think it has some bearing on it. I look at the past, what we expect in the future. These children were being neglected---

MR. SMITH: I object to all of that, Mr. McGhee, you haven't proved any neglect at this point.

MR. McGHEE: May I continue my argument, I understand you will have an opportunity to argue, Mr. Smith.

THE COURT: You finish your argument, then you will have an opportunity to argue.

MR. McGhee: During the period of time there was neglect, flagrant case of abuse, which the mother tried to conceal and continued to live with the abuser, apparently that a union without matrimony continued for a period of a year, since that time and while we can't show, certainly the issue has been raised of the current marital status we can't show but they have brought forth no evidence to show that this is - to clear up the question of Mr. Richardson' status. The home is now, has been described to the Court

which would appear to certainly lack a great deal so far as necessary facilities. The heating with stoves would certainly pose a hazard to the children getting up and getting burned. The lack of other facilities would make it difficult for the children to be properly cared for and apparently during this period of time the parent and Mr. Richardson have apparently taken no action to upgrade the situation. To have a responsible place for those children, if she did have them, to reside during the period of time the children have been with the Department, I believe it was detailed by the mother during the period of over a year. That she dropps out, nothing is heard from her for a period of four to five months until recently and I would simply submit to the Court that based on the prior history and the conduct of the mother during the period of time that the children have been without her and Mr. Richardson, and also the current situation, Mr. Richardson's questionable status, his failure to comply with Court Orders and support his other children, the Department, and the interest of these children would be served by terminating the residual parental rights of the mother so that the future of these children can be handled. As I say, it's been two years, the children are getting older and some permanent situations, permanent arrangements need to be made for these children, and we

submit that the mother has not met the plans and taken the necessary actions to give any reasonable belief that in the future these children can be returned to the mother. That's all the comments I have.

MR. SMITH: May it please the Court, first this business about allegations that Mrs. Richardson has not complied with the plan, there is discrepancy in the State's evidence on this point. Mrs. Anderson has testified as I recall her testimony, complied, reasonably well, at least up to the expectation from the time the children were taken in foster care until December and then there's a period of time in question when apparently there was no contact between Mrs. Crews and the Agency. Now, she has explained why that occurred. She did not have a job at that time, she was in a situation with no transportation and no means to make telephone calls, but the interesting point to me is that this period in time is not the 4 or 5 months that Mr. McGhee alleges in the report filed, but that the Department says from January 22nd to April 8th. January 22, 1980 until April 8th, 1980 and under the Statute, Judge, the period of time for abandon or no contact or no communication has to be twelve months in order for them to bear the burden under the Section C that they're proceeding under. And, they have not under any circumstances proved that, have not proved any abuse by this mother. There is not a hint that this mother abused these children.

There are allegations of neglect that are made uncorroborated and unfounded from Pittsylvania County. There is not one shred of evidence of neglect except perhaps if you can conclude if perhaps the way they found the children on that day at the hospital; I submit that is not enough. There's allegations of neglect but no proof of neglect and no proof that this mother ever abused these children. The Social Services Department own evidence from Mrs. Anderson indicated that this lady did reasonably well, complied with their plan or whatever from, I submit if you take their own evidence from about the time that they got custody until January, 1980 and then there's a period of time that there was no contact from April of 1980, at the most a couple of months. That is not adequate evidence, Judge, to settle this woman's parental rights. I just, it's just not enough evidence to it. Now, as far as the Statute is concerned, in addition the Court must conclude in this case, it is not reasonably likened that the conditions which resulted in such neglect or abuse can be substantially corrected or eliminated. The whole Social Services Department case rides on the involvement of these Crews people. The sorry husband that she unfortunately married in the first place that's now dead. The brother-in-law that

abused the children, and on this occasion when he whipped the child far too extensively and she took the child to the hospital. Of course she shouldn't have lied about what happened to the child, but I think it's understandible, the reason she was with him was because she was telling the Court that she was sleeping on the floor at her mother's with her children. They were having a problem keeping the mother's house warm so she came to live with her brother-in-law who helped her get a job, who was helping her get a driver's license, she was essentially trapped with a Crews. But that does not exist now, under the Statute, the problem with Mrs. Richardson's life and involving these children were the Crewses and that problem is gone and that is the basis for the abuse and neglect and the Court cannot, there's no evidence before the Court to indicate that is a problem in this case and without that, it ends. Social Services Department has not borne its burden and their Petition for severence of parental rights of Mrs. Richardson should be denied and should be dismissed and should have her children back.

THE COURT: Mr. Young?

MR. YOUNG: If it please the Court, I think a lot of what Mr. Smith has said is true, about the fact that the condition that this lady was caught in or maybe she was a victim of circumstance, her environment. I think that

perhaps often time she did the best she could. I know, I'm confident I can appreciate the difficulty that one would face with three small children, no job, no place to turn to, bad husband, that type of thing. What concerns me most, and I'm looking in the most favorable light to both sides, there was a concertive effort made by the Department of Social Services to emulerate some of the problems which they felt existed in the home environment of these two children. There were numerous suggestions made; there were enumerous attempts made on behalf of Mrs. Swartz, Mrs. Anderson, Mrs. Price and other members of the Department to assist this lady with the problems that she had. By her own testimony it appears that whether again, I don't know if it's a flippant attitude to these suggestions, but I cannot appreciate the fact that she had the difficulty in carrying out the requests that she's indicated to the Court. Certainly she had the use of a telephone when she was working at American Furniture Company. Certainly she had the use when she got outside to pursue gainful employment to stop by the agency and make a request to see her children. There's been very little effort, I would submit to the Court, shown by Mrs. Richardson that she is really making a bonafide attempt, that she had been attempting to overcome, whether or not they had been

proved, but the allegations have been made. Something that I don't feel that the Court can overlook is the fact that she in effect has admitted today that what she did at a previous hearing is tantamount to perjury. She testified that before that her youngest child fell down repeatedly and that is how these injuries were sustained to the buttocks and leg area, depicited in these pictures. She testified that she was afraid of Raymond Crews although she lived with him for a year and after her husband was incarcerated, her present husband, that there was still some association with this man that had beaten her children. At no point in time has this woman come forward until after he was convicted and complained that this man had abused her child and I agree with the description given by Mr. Smith, in his argument that it was excessive, it was too much. I think the pictures clearly show that under any reasonable interpretation that this 15 month old child was not deserving of the beating that it got that day, whatever purpose that was. From what I've heard I would submit that the best interest of these children would be, rather --- I'm not making a suggestion of whether these children be permanently divested from their mother but I think at the present time I think that certainly it's in the best interest of the children to remain where they are.

THE COURT: Mr. McGhee, do you have anything further?

MR. McGHEE: The only comment we would have without unduly prolonging this matter, the Court has heard sufficient argument, to suffice, to state that we do not agree with the interpretation of the Statute as Mr. Smith's interpretation of the law and the Court of course will have to rule on that but we submit that applying the statute to that, and the Court can seek to terminate the residual parental rights.

THE COURT: The way I read that Section, Mr. Smith, in Paragraph One it says that parents or parents have without good cause failed to maintain contact with and to provide or substantially plan for the future of the child for a period of 12 months after the child's placement in foster care, notwithstanding the reasonable or appropriate evidence of social, medical or mental health or other rehabilitative agencies to communicate with the parent or parents and to strengthen the parent/child relationship or the parent or parents without good cause have been unwilling or

unable within a reasonable period to remedy substantially the conditions which led to the child's foster care placement, notwithstanding a reasonable and appropriate effort of social, medical and mental health or other rehabilitative agencies to such end. Now, the way I view this I think the mother here certainly has been living from pillar to post. She had no substantial means to support these children when she was married to their father and at that death she move in, because she didn't have any means to support them with her brother-in-law, and whether that was abuse or neglect, she put them in that position and they were mistreated, or at least the younger daughter was mistreated while they were living with the brother-in-law. After the Social Services Department made their investigation and took the children, she continued to live with him for some period of time.

Now, why she did that, I'm not 100 percent but at that point in time the Social Services Department told her what she would have to do to get these children back. Now, she has not maintained any job during that time although she did not have the children to look after. She did contact the children on some basis and then she went for a period of time, she didn't contact them from December, '79 to '80. She is now married to Mr. Richardson which is a questionable marriage. Whether they are married or not, I don't know. I would assume for the purpose of the record that they are married. But he has no legal obligation to support these children. She is living in his house. The record clearly shows that he has not supported the children that have been born of previous marriages by him. That he has tremendous indebtedness in the amount of four or five

thousand dollars to one of those children at the present time, and it's difficult for this Court to believe that he's going to come forward and put forth support for these children when he has no legal obligation to do so. If these parents decided to - or if this couple decided to separate at this time Mrs. Richardson really is in a worse position than she was previously and she has c reated no stability in her life to make any adequate plans for these children and if I should place the children back with her it wouldn't be on any constructive basis. I would have to guess what might happen to them and the only way I can guess what might happen to them is what the past record shows. I don't see where the past record has changed. I don't see where she has changed herself, that she has provided to have a proper home for them and support them. I just don't

feel that in the two years in which the Department has had these children that she has rehabilitated herself or formed a constructive plan to take charge of these children and raise them properly. So, because if that I'm going to award them to The Department.

MR. SMITH: I need to put my objection and exception to the Court's ruling on the Record.

THE COURT: All right. Mr. McGhee should prepare the Order and you can note all your objections and exceptions.

The foregoing evidence and incidents of trial were recorded by the electronic recording device in the Circuit Court of the City of Martinsville and were transcribed by the Undersigned, to the best of her ability.

Court Reporter

Clerk