

1 COURT OFFICER: Please turn around. Raise
2 your right hand.

3 Do you swear or affirm to tell the truth?

4 THE WITNESS: I do.

5 COURT OFFICER: Please state your name, title,
6 and agency.

7 THE WITNESS: Leslie Ferrucci, Department of
8 Social Services.

9 COURT OFFICER: You may be seated.

10 MS. ROTHMAN: May I inquire, your Honor?

11 THE COURT: You may.

12 MS. HALL: Judge, just before we start I just
13 want to make sure that the other parties who are in the
14 actual courtroom are employed by DSS and are parties to
15 these proceedings and, if they're not, I'll ask that they
16 be excluded from the courtroom.

17 MS. ROTHMAN: When they were sworn in they both
18 affirmed under oath that they are members of the
19 Department of Social Services.

20 THE COURT: Okay. You may proceed, Ms. Rothman.

21 LESLIE FERRUCCI

22 called as a witness on behalf of the Petitioner, testified as
23 follows on:

24 DIRECT EXAMINATION

25 BY MS. ROTHMAN:

1 Q Ms. Ferrucci, are you currently employed?

2 A Yes, I am.

3 Q Where?

4 A Department of Social Services.

5 Q And in what capacity?

6 A I'm a senior social caseworker.

7 Q How long have you been with the Department of Social
8 Services?

9 A 23 years.

10 Q And within your official duties, and within your
11 official capacity, are you familiar with the subject child
12 Stephen Lamont?

13 A Yes, I am.

14 Q How old is Stephen?

15 A Stephen is 14.

16 Q And what is his date of birth?

17 A It's June 17, 2007, I believe -- no, 9.

18 Q 2007?

19 A No, 2002. I'm not certain.

20 Q Do you have anything that would refresh your
21 recollection?

22 A Yes, I do.

23 Q What's that?

24 A His birth certificate.

25 Q Would you like to take a look at that?

1 A Yes.

2 MS. ROTHMAN: And is that all right, your Honor?

3 THE COURT: Yes.

4 A I think it's in the other folder. The -- volume 3.

5 MS. ROTHMAN: Your Honor, I'm just going to hand

6 --

7 THE COURT: Can we stipulate June 17, 2002; is
8 that correct?

9 MS. ROTHMAN: Okay. I was going to say, your
10 Honor, if you want to take judicial notice of --

11 MS. HALL: Yes, I'll stipulate it, Judge.

12 THE COURT: Okay. Thank you.

13 BY MS. ROTHMAN:

14 Q Are you also familiar with the Respondent Patrick
15 Stephen Lamont?

16 A Yes, I am.

17 Q What is the relationship between the Respondent and
18 this child?

19 A Biological father.

20 Q How are you familiar with these individuals?

21 A I was assigned the case in March of 2015.

22 Q Who is this child's mother?

23 A Jennifer Lamont.

24 MS. HALL: Objection. There's no basis for this
25 knowledge.

1 THE COURT: Okay. Do you want to ask another

2 --

3 BY MS. ROTHMAN:

4 Q Ms. Ferrucci, within your official duties and
5 capacity, have you learned who this child's mother is?

6 A Yes, I have.

7 Q How did you learn that?

8 A Mr. Lamont told me.

9 Q And who is this child's mother?

10 A Jennifer Lamont.

11 Q What is your understanding of Jennifer Lamont's
12 current status?

13 A She is deceased.

14 MS. ROTHMAN: Your Honor, I do have a document.
15 I am going to ask for it to be marked for identification.

16 MS. HALL: We'll stipulate she's deceased.

17 MS. ROTHMAN: Okay. Your Honor, but again for
18 purposes of this TPR I do need to establish that she is
19 deceased. I do have a document, it is a death certificate
20 for Jennifer S. Lamont. I'd ask for it to be marked as
21 Petitioner's 1 for identification and, if counsel has no
22 objection, for it to be moved into evidence as
23 Petitioner's 1.

24 MS. HALL: No objection.

25 MS. CARTON: No objection.

1 MS. ROTHMAN: Oh. I think -- there were no
2 objections, so I would ask for it to be entered into
3 evidence.

4 THE COURT: So Petitioner's 1 is being marked
5 into evidence. No objection. That is the mother's death
6 certificate.

7 PETITIONER'S EXHIBIT 1
8 MARKED IN EVIDENCE

9 BY MS. ROTHMAN:

10 Q Ms. Ferrucci, to your knowledge, at the time that
11 Stephen was born on June 17th, 2002, was the child's mother
12 married?

13 A Yes.

14 Q To whom?

15 A To Mr. Lamont.

16 Q Who, if anyone, is listed as the child's father on
17 the birth certificate?

18 A Mr. Lamont.

19 Q To your knowledge, has anyone other than Patrick
20 Stephen Lamont ever filed an unrevoked notice of intent to
21 claim paternity of Stephen?

22 A Not to my knowledge.

23 Q Has anyone, to your knowledge, openly held themselves
24 out to be the child's father other than Patrick Stephen Lamont?

25 A None.

1 BY MS. ROTHMAN:

2 Q To your knowledge, before her death, did Jennifer
3 Lamont ever sign a written sworn statement stating that someone
4 other than Patrick Stephen Lamont was Stephen's father?

5 A Not to my knowledge.

6 Q To your knowledge, has anyone filed with the putative
7 father registry an instrument acknowledging paternity of
8 Stephen?

9 A Not to my knowledge.

10 Q Has anyone to your knowledge ever paid child support
11 for Stephen?

12 A No.

13 Q Has anyone other than Patrick Stephen Lamont visited
14 with Stephen at least monthly, when physically and financially
15 able to do so, and not prevented from doing so by the
16 Department of Social Services?

17 A No.

18 Q Has anyone other than Patrick Stephen Lamont
19 maintained regular communication with the child or the
20 Department of Social Services regarding this child?

21 A No.

22 MS. ROTHMAN: Your Honor, at this time, I am
23 going to ask the Court to make a finding that no person is
24 entitled to notice of these proceedings or to consent to
25 the adoption of the child Stephen Lamont except Patrick

1 Stephen Lamont who is named as the Respondent in the
2 Respondent in the petition for the termination of parental
3 rights and the guardianship rights before this court.

4 THE COURT: Any objection?

5 MS. HILL: No objection.

6 MS. CARTON: No objection.

7 THE COURT: Okay. I do so find.

8 BY MS. ROTHMAN:

9 Q Ms. Ferrucci, directing your attention to March of
10 2015 when you were first assigned to this case, what was the
11 status of the neglect proceeding against the Respondent?

12 A It was pending.

13 Q At the time that you were assigned to this case, what
14 was your understanding of the services the department was
15 requesting the Respondent complete in order to safely return
16 the child to the home?

17 A That Mr. Lamont complete clinicals, have a
18 parent/child assessment, follow any recommendations following
19 the assessments and the evaluations, casework counseling,
20 signed consents, announced and unannounced visits, and notify
21 of address and telephone.

22 Q At the time that you were assigned in March of 2015,
23 what, if any, of these services have the Respondent engaged in?

24 MS. HALL: Objection. It's never been
25 established that he was required to.

1 MS. ROTHMAN: I didn't say that he was
2 required to. I'm asking what, if any -- this is -- these
3 are the services the department was requesting. What of
4 these services was he --

5 MR. HALL: Objection. She didn't say they were
6 requesting. She said, what, if anything, was her
7 understanding as to what they wanted from him.

8 MS. ROTHMAN: The exact question was at the time
9 that you were assigned to this case, what was your
10 understanding of the services the department was
11 requesting.

12 MS. HALL: Exactly. So there was -- there
13 was no actual request of that, it was what was her
14 understanding.

15 I think there needs to be a follow up question
16 as to whether or not they actually did request them.

17 THE COURT: Clarify that question.

18 BY MS. ROTHMAN:

19 Q Ms. Ferrucci, what were the services that the
20 department felt were necessary at the time that you took over
21 the case to aid in reunification?

22 A Clinical evaluations, a parent/child assessment,
23 follow any and all recommendations, casework counseling, signed
24 consents, notify of any change of address and phone number.

25 Q To your knowledge, what, if any, services had been

1 offered to the Respondent at the time that you took over
2 this case?

3 A Clinical evaluations had been offered to him.

4 MS. HALL: Objection. No foundation as to how
5 this information was gained.

6 THE COURT: Sustained.

7 BY MS. ROTHMAN:

8 Q Ms. Ferrucci, in connection with the services that
9 were requested -- actually, at the time that you took over the
10 handling of this case, what, if any, type of conference did you
11 engage in prior to taking over this case?

12 A I had a transfer conference.

13 Q And what is -- what does a transfer conference
14 consist of?

15 A Transfer conference is when you meet with a CPS
16 supervisor and a CPS worker and your -- my supervisor to
17 discuss the circumstances surrounding the case that was being
18 transferred to my unit.

19 Q And in connection with this transfer unit, what, if
20 any, information were you provided on this case regarding
21 services that the Respondent had already engaged in?

22 MS. HALL: Objection, hearsay.

23 MS. ROTHMAN: Your Honor, it's not being offered
24 for the truth of the matter asserted; it's being offered
25 for the effect on this listener.

1 MS. HALL: That's the only reason it's being
2 offered?

3 THE COURT: Yes and I'll allow it.

4 A That Mr. Lamont had undergone clinical evaluations.

5 BY MS. ROTHMAN:

6 Q What was your understanding of when those evaluations
7 had been completed?

8 A They had been completed in February of 2015.

9 Q And at the time that you took over the handling of
10 this case, what, if anything, did you learn regarding the
11 recommendations of those evaluations?

12 A I learned that --

13 MS. HALL: Objection. It's hearsay, it's not
14 best evidence.

15 MS. ROTHMAN: Your Honor, with respect to this,
16 this witness is testifying as to the services that he
17 engaged in and what the recommendations were. Whether or
18 not those recommendations were accurate, something that
19 actually needed to be done, is irrelevant to these
20 proceedings. She's testifying as to the recommendations
21 of these evaluations.

22 MS. HALL: Judge, recommendations from whom,
23 from what? We don't have that.

24 THE COURT: I'll sustain --

25 MS. HALL: I think that's a really farfetched

1 -- thank you.

2 THE COURT: Sustain the objection.

3 BY MS. ROTHMAN:

4 Q Ms. Ferrucci, at the time that you took over the
5 handling of this case, what types of evaluations had been
6 completed?

7 A Mr. Lamont had psychiatric and psychological
8 evaluations completed.

9 Q With respect to the psychiatric evaluation, who had
10 completed that?

11 A Dr. Lowe.

12 Q And with respect to the psychological evaluation, who
13 had completed that evaluation?

14 A Dr. Zafar.

15 Q And in connection with these evaluations, did you
16 obtain copies of the reports that were prepared in connection
17 with these evaluations?

18 A Yes, I did.

19 Q And what, if any, opportunity did you have to review
20 these -- the recommendations?

21 A I read both evaluations.

22 Q And what was your understanding of the
23 recommendations of the psychological evaluation?

24 MS. HALL: Objection.

25 THE COURT: Basis, please?

1 MS. HALL: Basis?

2 THE COURT: Yes.

3 MS. HALL: It's hearsay, Judge. Unless it's not
4 being offered for the truth, only offering it to see what
5 the witness did next.

6 MS. ROTHMAN: Your Honor, it's being offered for
7 the fact that there was a report made and that
8 recommendations were made and what the recommendations
9 were.

10 MS. HALL: Well, it's not --

11 MS. ROTHMAN: Again, whether or not this is this
12 witness' understanding of what these recommendations were
13 and the department's request of the Respondent and the
14 services that the department was asking him to comply
15 with.

16 MS. HALL: Based on what counsel is saying, then
17 she's not asking for it for the truth. Just to follow to
18 see what the witness did for follow up with that
19 information.

20 MS. ROTHMAN: And --

21 MS. HALL: If that's the case, then I'll
22 withdraw it, as long as it's not being offered for the
23 truth.

24 MS. ROTHMAN: And again, it's offered for the
25 fact that there were clinical evaluations held and the

1 department's understanding of the recommendations and
2 it will be subsequently shown the request that the
3 department made based upon their understanding of these
4 recommendations.

5 THE COURT: Okay. So I'm allowing it to the
6 extent that you consent, Ms. Hall, which is her
7 understanding of the evaluations and what she did based
8 upon that understanding.

9 MS. HALL: Thank you.

10 BY MS. ROTHMAN:

11 Q What was your understanding of the recommendations of
12 the psychological evaluation?

13 A That Mr. Lamont was to have a psychiatric
14 evaluation. He was to seek individual therapy for himself. He
15 was to have family therapy with himself and Stephen. He was to
16 be offered housekeeping services, financial aid planning, and
17 that the department continue their intervention with the family
18 in hopes that Stephen could return safely.

19 Q What was your understanding of the recommendations of
20 the psychiatric report?

21 A The psychiatric report recommended that Ms. Lamont
22 have individual psychotherapy and --

23 MS. HALL: My same objection for this one,
24 Judge.

25 THE COURT: Okay. Sustained. What your

1 understanding was.

2 MS. HALL: Thank you.

3 A My understanding is that he was to have individual
4 therapy and find a psychiatrist in his community for ongoing
5 services.

6 BY MS. ROTHMAN:

7 Q At the time that you took over the handling of this
8 case in March of 2015, what, if any, of the services that the
9 department felt were necessary was the Respondent actively
10 engaged in?

11 A None.

12 Q At that time, what, if any, Order was in place
13 directing the Respondent to comply with services?

14 A None.

15 Q At the time that you took over this case, what, if
16 any, type of visits were permitted between the Respondent and
17 his son?

18 A Weekly supervised visitation at the Department of
19 Social Services.

20 Q Between March of 2015 and May 1st of 2015, how many
21 visits did you schedule for the Respondent and his child?

22 A Approximately eight.

23 MS. HALL: What dates, I'm sorry?

24 MS. ROTHMAN: She didn't give the dates, she
25 said eight.

1 THE COURT: You gave --

2 MS. ROTHMAN: March 2015 to May 1st 2015.

3 BY MS. ROTHMAN:

4 Q How was the Respondent advised of these scheduled
5 visits?

6 A He was given a letter in court of those court dates.
7 He was mailed a -- the appointment dates and it was also
8 emailed to him.

9 Q What, if any, steps was the Respondent required to
10 take to secure these visits?

11 A He was to confirm his visit 24 hours in advance with
12 me.

13 Q Between March 1st of 2015 and May 13th of 2015, how
14 many visits actually took place between the Respondent and this
15 child?

16 A None.

17 Q Why were there no visits?

18 A Mr. Lamont failed to confirm.

19 Q Approximately how many times did Mr. Lamont fail to
20 confirm these visits?

21 A All of them.

22 Q What, if any, explanation did the Respondent offer
23 for not attending these visits?

24 A That he did not want Stephen to miss any school.

25 Q Okay. Let me just clarify. The visits that you

1 scheduled between March 1st of 2015 and May 13th of 2015,
2 what day of the week were those visits scheduled for?

3 A On Wednesdays.

4 BY MS. ROTHMAN:

5 Q And what time of day?

6 A It was after his last period, so 4:30 p.m. to 5:30
7 p.m.

8 Q What, if anything, else did the -- did the Respondent
9 state to you regarding why he refused to attend these visits
10 between March 1, 2015 and May 13th of 2015?

11 A He felt it would impede in his son's education by
12 coming to these visits on a Wednesday.

13 Q What, if any, advice or counseling did you give him
14 regarding that?

15 A That if he was concerned about his son's academics
16 that he could assist him during the visit.

17 Q Out of the -- all of the visits you -- that you
18 scheduled between March 1st of 2015 and May 13th of 2015, how
19 many -- I know you've indicated that the Respondent did not
20 confirm any visits. How many visits did he appear at?

21 A Between which dates?

22 Q Between March 1st of 2015 and May 13th of 2015.

23 A He appeared for one.

24 Q What was the date of that visit?

25 A April 24.

1 BY MS. ROTHMAN:

2 Q And if you would, describe for the Court what took
3 place on April 24th of 2015?

4 A Mr. Lamont had been advised that Stephen was not
5 attending the visit, but he came to 112 East Post Road anyway.
6 It was my supervisor Ms. Cartagena and I, we met him at 112
7 East Post Road and we went to the elevator and he asked if his
8 son was coming and I said no and he turned and he left the
9 building.

10 Q And what was your understanding of why Stephen
11 refused to attend the visit?

12 MS. HALL: Objection. There's no -- objection,
13 Judge.

14 MS. ROTHMAN: Basis? Your Honor, the witness
15 testified that the child refused to attend the visit.

16 THE COURT: I'll allow it.

17 BY MS. ROTHMAN:

18 A Stephen did not want to visit on a Wednesday.

19 MS. HALL: Objection to what the child wanted.

20 Q What, if anything, did the child --

21 MS. HALL: The Court didn't rule. Can we have
22 the court ruling?

23 MS. ROTHMAN: I can rephrase the question, your
24 Honor.

25 MS. HALL: Okay. So the (inaudible) is

1 stricken then?

2 MS. ROTHMAN: That's fine.

3 BY MS. ROTHMAN:

4 Q What, if anything, did the child state to you
5 regarding why he would not come to the April 24th visit?

6 MS. HALL: Objection.

7 MS. ROTHMAN: Ground?

8 MS. HALL: It's hearsay. What did the child --

9 MS. ROTHMAN: The statements of the child are
10 admissible.

11 MS. HALL: The statements of a child are
12 admissible only if it's allegations of neglect or abuse.
13 Statements as to why a child did not come for a visit is
14 hearsay.

15 THE COURT: Rephrase your question.

16 BY MS. ROTHMAN:

17 Q Why -- what did the child's state to you regarding
18 why he would not come to that April 25th visit?

19 MS. HALL: Objection.

20 THE COURT: Sustained.

21 Q What, if anything, took place on May 13th of 2015
22 regarding the Respondent's visits with the child?

23 A I think there was a Order of Protection put in place
24 and there was no longer any contact.

25 MS. ROTHMAN: Your Honor, I am going to ask

1 the Court to take judicial notice of an Order of
2 Protection that was issued by Judge Rachel Hahn on May 13th
3 of 2015 that was in effect through July 23, 2015. I do
4 have a courtesy copy for the Court and copies for counsel.
5 So I will hand all of those up.

6 THE COURT: Okay. Thank you.

7 BY MS. ROTHMAN:

8 Q Now, Ms. Ferrucci, you had previously testified that
9 at the time that you assumed the handling of this case in March
10 of 2015 that the Respondent had participated in clinical
11 evaluations; was that your testimony?

12 A Correct.

13 Q Was the Respondent provided with a copy of those
14 clinical evaluations?

15 A Yes, he was.

16 Q How was he provided with a copy?

17 A I emailed them to him.

18 Q And approximately when did you email those to him?

19 A I'd have to recollect.

20 Q What was --

21 A I'd have to recollect.

22 MS. ROTHMAN: Your Honor, may the witness
23 refresh her recollection?

24 THE COURT: You may.

25 A March 24.

1 BY MS. ROTHMAN:

2 Q Of what year?

3 A 2015.

4 Q And in connection with the recommendations as you
5 understood them of the psychological and psychiatric
6 evaluations, what, if any, referrals or offers of assistance
7 did you provide to the Respondent regarding these
8 recommendations of mental health treatment?

9 A I sent Mr. Lamont a list of health -- mental health
10 providers that were in or nearby his community.

11 Q And where you said that you sent him, was that
12 regular letter, email or something else?

13 A I sent them by regular mail and email.

14 Q To your knowledge, what, if any, mental health
15 treatment did the Respondent engage in between March of 2015
16 and May of 2015?

17 A None.

18 Q What, if any, planning sessions were scheduled for
19 the Respondent regarding the return of his son between March 1st
20 of 2015 and May of 2015?

21 A There was a service plan review.

22 Q What is a service plan review?

23 A A service plan review is a meeting that the
24 department holds every six months when a child has been placed
25 in foster care. It is done by a third-party reviewer and we

1 use the mental health association and the purpose of that is
2 to discuss the case, the progress, what needs to be done, how
3 they -- any recommendations that can be made to assist in the
4 goal of the case.

5 BY MS. ROTHMAN:

6 Q And at the time that you took over this case, what
7 was that goal?

8 A Return to parent.

9 Q When was the service plan review scheduled for?

10 A April 10, 2015.

11 Q And with respect to this April 10th SPR, who attended
12 that meeting?

13 A Myself, the guidance counselor from Rye Middle
14 School, my manager, and the third-party reviewer.

15 Q To your knowledge, was the Respondent notified of
16 this proceeding?

17 A Yes, he was.

18 Q What, if any, explanation was offered by the
19 Respondent for why he did not attend that April 10th SPR?

20 A He tried to contact Russell Smith who was his
21 attorney at the time and tried to come up with a date that
22 would work for everybody. Numerous emails were exchanged and
23 finally we settled upon a date and a time, but neither showed.

24 Q Any --

25 MS. HALL: Objection, non-responsive. I ask

1 that it be stricken.

2 THE COURT: All right. Granted. Restate your
3 question.

4 BY MS. ROTHMAN:

5 Q With respect to the scheduled SPR for April 10th of
6 2015, what, if any, communication did you have with the
7 Respondent regarding his attendance at that meeting?

8 A The date that it was initially scheduled was not
9 convenient for both himself and his attorney.

10 Q And he indicated that to you?

11 A Yes.

12 Q And what, if any, efforts did you make to try and
13 work with the Respondent to pick a convenient date?

14 A There were email exchanges trying to come up with a
15 date that worked for himself and his attorney.

16 Q Did he, in fact, attend that April 10th meeting?

17 A No, he did not.

18 Q Any other attempted meetings with the Respondent
19 between March of 2015 and May of 2015?

20 A There was casework counseling.

21 Q What is casework counseling?

22 A Casework counseling is when I meet with the parent to
23 discuss what needs to be done on the case any assistance that
24 they may need and helping with what recommended services are
25 and see what they want from the department.

1 BY MS. ROTHMAN:

2 Q Now, with respect to the casework counseling, how
3 often were these scheduled for?

4 A Prior to each visit.

5 Q And how many of these sessions did the Respondent
6 attend?

7 A None.

8 Q What, if any, home visits did you have with the
9 Respondent between March of 2015 and May of 2015?

10 A I'd have to recollect.

11 MS. ROTHMAN: Your Honor, may the witness
12 refresh her recollection?

13 THE COURT: She may.

14 A April 13, 2015.

15 Q And what took place on April 13th of 2015?

16 A I made an unannounced visit to the home and was
17 unable to gain access to the home. The Rye Police had -- were
18 present with me and they contacted his attorney Mr. Smith who
19 contacted Mr. Lamont who told us we could return in a half an
20 hour back to his home.

21 Q Did you, in fact, return to the home on April 13th of
22 2015?

23 A Yes, I did.

24 Q And what took place when you returned?

25 A Mr. Lamont was sitting outside on the porch and he

1 said that I could go upstairs and see his apartment.

2 BY MS. ROTHMAN:

3 Q Did you actually enter the apartment at that time?

4 A Yes, I did.

5 Q Where was that apartment located?

6 A 1095 Boston Post Road in Rye.

7 Q Describe the physical condition of the apartment as
8 you observed it on April 13, 2015.

9 A I observed as I entered the living room that it
10 looked like it had been recently mopped because the floor was
11 wet and there were puddles of water. I -- there was a foul
12 odor in the home that reminded me of dirty laundry, body odor,
13 and rotting garbage. I did not smell any cleaning products
14 throughout the house even though it had been cleaned. There
15 was evidence it had been cleaned. The living room had no
16 furniture. I did observe some boxes in the living room.

17 I went into the kitchen. The kitchen had no dishes in it,
18 but the bottom of the sink was just filthy. It was gritty and
19 dirty. The condition of the stove looked like it could not be
20 used. It was blackened on the top and blackened on the sides.
21 I did observe food in the refrigerator. It was -- appeared to
22 be fresh. I observed black mold inside the refrigerator. I
23 observed mold inside the freezer. There was a food in the
24 freezer, but it was not frozen. There was sufficient food in
25 the pantry.

1 In the bedroom I noticed one bed approximately I'd say
2 a full size, I'm not certain. The linens on it were --
3 appeared to be dirty. I could not tell what color they were.
4 I did observe that there was a stuffed animal on top of the bed
5 covered in a Rye backpack.

6 There was boxes on the floor in the living room that I
7 observed to have clothing in them. There were pictures of a
8 woman holding a small child on the floor. There was a TV. I
9 don't recall if it was on a dresser or on the floor.

10 The bathroom was unsanitary. It was dirty. The bathtub
11 was black and gritty. There was notable feces stains on the
12 toilet. The sink was blackened and dirty and it just did not
13 look like something that anybody could use.

14 BY MS. ROTHMAN:

15 Q Now, after seeing the condition of the home on April
16 13th of 2015, what, if any, offers of assistance did you make
17 regarding the condition of the home?

18 A I offered Mr. Lamont that he could go to the
19 furniture share house.

20 Q And what is the Furniture Share House?

21 A The Furniture Share House is a non-profit
22 organization that offers gently used furniture to families in
23 need.

24 Q What, if any, response did the Respondent have to
25 this offer of the Furniture Share House?

1 A He stated that he did not need it because he had
2 seven rooms of furniture in storage.

3 BY MS. ROTHMAN:

4 Q Now, between March of 2015 and May of 2015, what, if
5 any, plan did the Respondent offer regarding the return of his
6 son or plan for his son's future to you?

7 A None.

8 Q Directing your attention to June of 2015 through
9 August of 2015, what were -- what, if any, visits were
10 scheduled?

11 A There were bi-weekly visits scheduled.

12 Q And was that during the existence of that Order of
13 Protection that prohibited all contact?

14 A Wait. What -- can you repeat the dates?

15 Q Certainly. Between June of 2015 and, actually let me
16 modify that question, and August 5th of 2015, what, if any,
17 visits were scheduled?

18 A There were no visits scheduled.

19 Q Why is that?

20 A Because there was an Order of Protection in place and
21 visits had been suspended.

22 Q Did there come a time when that Order of Protection
23 was modified?

24 A Yes.

25 Q When was that?

1 A August 5, 2015.

2 BY MS. ROTHMAN:

3 Q Now, between June 1st of 2015 and August 5th of 2015,
4 how many casework counseling sessions were scheduled for the
5 Respondent?

6 A There were none scheduled.

7 Q Why is that?

8 A Because Mr. Lamont stated that he was in San
9 Francisco and would be unavailable to attend any casework
10 counseling and he would not be returning until the next court
11 date.

12 Q And did you address that, Mr. Lamont's statements
13 that he was going to be in San Francisco with him?

14 A Yes, I did.

15 Q And what, if anything, did you state to him regarding
16 his absence?

17 A That if he found himself back in town to please let
18 me know so we could schedule the casework counseling.

19 Q And what, if any, contact did he make with you
20 between June 1st of 2015 and August 5th of 2015 regarding
21 scheduling and casework counseling session with you?

22 A He did not.

23 Q Between June 1st of 2015 and August 5th of 2015, what,
24 if any, plan did the Respondent offer regarding the return of
25 his son or plan for his son's future?

1 A None.

2 BY MS. ROTHMAN:

3 Q Now, you've indicated that the Order of Protection
4 was modified on June 5th of 2015, how was that Order modified?

5 A Modified on June 5?

6 Q June -- I'm sorry, August 5th of 2015. I apologize.

7 A It was modified for supervised visitation bi-weekly.

8 Q And, at that time, what, if any, visits did you
9 schedule between the Respondent and the child?

10 A I scheduled a visit the next day on the 6th.

11 Q Were you present at that visit on August 6th of 2015?

12 A Yes, I was.

13 Q Describe that visit.

14 A Mr. Lamont was already seated in the visitation room
15 at 112 East Post Road and he had a soccer ball with him.
16 Stephen entered the room and sat at the chair closest to the
17 door and it was a swivel chair so he had his back partial
18 turned to his father. I did not observe either one of them
19 saying hello or any hugs hello during this meeting.

20 Mr. Lamont, you know, talked to him about soccer. Stephen
21 answered in limited words. They did discuss school. Stephen
22 had expressed that he did not want to return to Rye Middle
23 School for 8th grade and Mr. Lamont expressed his concern that
24 he did want him to attend Rye Middle School. There were long
25 periods of silence and after about 25 minutes Stephen asked

1 for the visit to end.

2 BY MS. ROTHMAN:

3 Q Other than the August 6, 2015 visit, how many other
4 visits took place during August of 2015?

5 A Between Mr. Lamont and his son?

6 Q Correct.

7 A None.

8 Q Why is that?

9 A The child refused.

10 MS. HALL: Objection.

11 THE COURT: Overruled.

12 BY MS. ROTHMAN:

13 Q What, if any, planning meetings were held with the
14 Respondent in August of 2015?

15 A There was a service plan review held on August 6th,
16 2015.

17 Q Is that the same date of the visit?

18 A Yes, it was.

19 Q Who was in attendance at that service plan review?

20 A Mr. Lamont was present, his attorney Ms. Hall was
21 present, my manager -- no my supervisor was present, the third-
22 party reviewer was present and a county attorney, Danielle
23 Larkin was present.

24 Q What was discussed at that particular SPR meeting?

25 A It was discussed what was recommended from the

1 clinical evaluations that Mr. Lamont be in some type of
2 mental health treatment. We discussed school. We discussed
3 Furniture Share House and we discussed casework counseling
4 sessions.

5 BY MS. ROTHMAN:

6 Q What, if anything, did the Respondent state during
7 the service plan review regarding engaging in services?

8 A He stated that he had been to St. Vincent's Hospital
9 and was on the waitlist for therapy.

10 Q How, if at all, were you able to verify his statement
11 that he was on this waitlist for St. Vincent's for mental
12 health treatment?

13 A I was not.

14 Q Why is that?

15 A He would not sign a consent form.

16 Q What, if any, request did you make of him for a
17 consent form?

18 A I presented him with a consent form at the meeting
19 and he said he would discuss it with his attorney.

20 Q Did there come a time when you received a signed
21 consent form back?

22 A No, I did not.

23 Q What additional contact did you have with the
24 Respondent in August of 2015?

25 A I saw him on August 20, 2015.

1 BY MS. ROTHMAN:

2 Q Describe for the Court the nature of that contact.

3 A I had -- he was sitting in the visitation room and
4 when I arrived I told him that Stephen had refused to come to
5 the visit, but he had written a letter to his father as to why
6 he did not want to come to the visit.

7 Q Describe the Respondent's actions during that August
8 20th interaction.

9 A He read the letter, folded it back up, threw it
10 across the table in my direction. I asked him if he wanted to
11 write a letter back to Stephen and he replied no, he would not.
12 That he would text his son that, you know, it was his right to
13 do that and I reminded him that there was an Order of
14 Protection in place and that he could not text his son that
15 he'd be in violation and Mr. Lamont became very irate and his
16 voice became loud and was shouting obscenities about that it
17 was Judge Hahn's fault, it was your fault, my fault, that he
18 was not allowed to be with his son, see his son, that a
19 supervisor in a neighboring room had to come in and help.

20 Q What, if any, type of casework counseling were you
21 able to engage in with the Respondent during that August 20th
22 interaction?

23 A Not much.

24 Q Other than that one service plan review in August of
25 2015, what, if any, other additional casework counseling

1 sessions were you able to engage in with the Respondent
2 during August of 2015?

3 A None.

4 BY MS. ROTHMAN:

5 Q Why is that?

6 A He refused to come.

7 Q During August of 2015, what, if any, plans did the
8 Respondent offer to you regarding a plan for his son's future
9 or again regarding the return of his son?

10 A None.

11 Q Directing your attention to September of 2015 through
12 December of 2015, what, if any, court Orders were in place
13 regarding the Respondent's visits with his child?

14 A They were bi-weekly supervised.

15 Q And who was to supervise those visits?

16 A The department.

17 Q Where were they to take place?

18 A At 112 East Post Road.

19 Q Between September of 2015 and December 31st of 2015,
20 how many visits did you schedule for the Respondent and the
21 child?

22 A Approximately eight.

23 Q How was the Respondent notified of these visits?

24 A I would mail him a letter.

25 Q How many visits actually took place between

1 September 2015 and December 31st of 2015?

2 A None.

3 BY MS. ROTHMAN:

4 Q Why were there no visits?

5 A Mr. Lamont either failed to confirm or did not want
6 Stephen to miss soccer practice or he did not want him to miss
7 any school.

8 Q Out of the approximately eight visits that were
9 scheduled during that three-month period of time, approximately
10 how many visits did Stephen refuse to attend during that time?

11 MS. HALL: Objection.

12 THE COURT: Overruled.

13 A None.

14 Q During September -- from September 1, 2015 through
15 December 31st of 2015, what, if any, conversation or what, if
16 any, efforts did you make to have the Respondent attend a visit
17 with his son?

18 A I made a telephone call to Mr. Lamont advising him
19 that Stephen had asked for him to come to one of the visits in
20 November because it was his father's birthday.

21 Q And what, if any, response did you receive to that
22 phone call asking the Respondent to come to the visit?

23 A None.

24 Q Did that visit take place?

25 A No.

1 BY MS. ROTHMAN:

2 Q In addition to scheduling these visits between
3 September 1st of 2015 and December 31st of 2015, what, if any,
4 efforts did you make to engage the Respondent in casework
5 counseling between September of 2015 and December of 2015.

6 A I sent him a letter telling him that prior to the
7 visits there would be casework counseling sessions.

8 Q And, again, what would these casework counseling
9 sessions consist of on a general basis?

10 A Progress, services that needed to be done in order to
11 facilitate the return of Stephen, and any assistance that Mr.
12 Lamont might need.

13 Q How did you advise the Respondent of your desire to
14 meet with him to do planning?

15 A By letters.

16 Q How many casework counseling sessions took place
17 between September 1st of 2015 and December 31st of 2015?

18 A None.

19 Q What, if anything, did the Respondent state to you
20 regarding meeting to plan for his son?

21 A Mr. Lamont offered numerous reasons why he would not
22 attend casework counseling. Some were that he was not visiting
23 at 112 East Post Road because he considered that to be Al Qaeda
24 headquarters. He refused to attend because he wanted his
25 attorney present.

1 BY MS. ROTHMAN:

2 Q Now, with respect to his request to have his attorney
3 present, was is DSS protocol if any Respondent asked to have a
4 meeting with their attorney present?

5 A That the Respondent's attorney contact the county
6 attorney and schedule a time that is convenient for both of
7 them.

8 Q And with respect to this protocol, between September
9 1st of 2015 and December 31st of 2015, was -- did you
10 advise Mr. Lamont of this protocol?

11 A Yes, I did.

12 Q And what, if any, meetings took place after advising
13 Mr. Lamont of this protocol?

14 MS. HALL: Objection, Judge. Judge, could we
15 have a attorneys only bench conference?

16 THE COURT: Sure.

17 COURT OFFICER: Judge, are you going to remain
18 in here?

19 (THE PROCEEDINGS WERE OFF THE RECORD FROM
20 3:31:01 TO 3:38:36.)

21 COURT CLERK: Back on the record, your Honor.

22 MS. ROTHMAN: Okay. And, your Honor, I'm going
23 to apologize if I repeat the last question. I think I
24 know where we left off, so if it is a repeat, I apologize.

25 BY MS. ROTHMAN:

1 Q What, if any, meetings took place between you and
2 the Respondent between September 1st of 2015 and December 31st of
3 2015, for purposes of casework counseling?

4 A None.

5 Q Between September 1st of 2015 and December 31st of
6 2015, to your knowledge, what, if any, services was the
7 Respondent engaged in?

8 A None to my knowledge.

9 Q What, if any, offers of assistance did you make to
10 the Respondent to aid in the goal of reunification between
11 September 1st of 2015 and December 31st of 2015?

12 A I continued to offer the Furniture Share House. We
13 offered to send him MetroCards if he needed to come to the
14 visits. Food pantries and -- that's it.

15 BY MS. ROTHMAN:

16 Q What, if any, response did you receive from the
17 Respondent regarding these offers of assistance?

18 A None.

19 Q Between September 1st of 2015 and December 31st of
20 2015, what, if any, plan did the Respondent offer to you
21 regarding the return of his son or plan for his son's future?

22 A None.

23 Q Directing your attention to January 1st of 2016
24 through March 31st of 2016, how many visits were planned during
25 that time period?

1 A I'd have to recollect.

2 MS. ROTHMAN: Your Honor, may the witness
3 refresh her recollection?

4 THE COURT: Yes.

5 Can you state that time period again?

6 MS. ROTHMAN: Certainly. January 1st of 2016
7 through March 31st of 2016.

8 (PAUSE)

9 BY MS. ROTHMAN:

10 A What were those dates again, please?

11 Q Certainly. January 1st of 2016 through March 31st of
12 2016.

13 A Six.

14 Q How was the Respondent advised of these scheduled
15 visits?

16 A I mailed him letters.

17 Q How many of these visits did the Respondent confirm?

18 A None.

19 Q How many visits took -- actually, took place between
20 January 1st of 2016 through March 31st of 2016?

21 A None.

22 Q Out of these visits -- the scheduled visits between
23 January 1st of 2016 and March 31st of 2016, how many of these
24 visits did the child agree to attend?

25 A None.

1 BY MS. ROTHMAN:

2 Q The child refused to attend any visits during that
3 time?

4 A I believe so.

5 Q What, if anything, did the Respondent state to you
6 regarding these scheduled visits between January 1st of 2016 and
7 March 31st of 2016?

8 A That he would -- he didn't want to visit at Al Qaeda
9 headquarters. He would like the visits done at the Rye
10 Library.

11 Q And with respect to his refusal to have them take
12 place at the district office, and let me just clarify for the
13 record, where specifically were these visits scheduled to
14 take place initially?

15 A At 112 East Post Road.

16 Q And is that the location that the Respondent refused
17 to attend at?

18 A Yes.

19 Q When the Respondent refused to attend visits at 112
20 East Post Road, what, if any, offers did you make to the
21 Respondent to aid in visits?

22 A I offered him that we would visit at other district
23 offices.

24 Q And what, if any, response did he have to the offer
25 to change to a different district office?

1 A He refused to visit at any other Al Qaeda
2 terrorist cell.

3 BY MS. ROTHMAN:

4 Q With respect to the Respondent's request for visits
5 to take place at the Rye Reading Room, why was that not
6 feasible?

7 A Because we need a police presence during the visits.

8 Q Now, in addition to the scheduled -- the six
9 scheduled visits that you had tried to make with the Respondent
10 between January 1st of 2016 and March 31st of 2016, what, if any,
11 other attempts did you make to meet with the Respondent?

12 A Casework counseling.

13 Q How was the Respondent advised of your desire to meet
14 with him for casework counseling during that same
15 timeframe, January 1st of 2016 through March 31st of 2016?

16 A Letters.

17 Q What, if any, response did you receive from the
18 Respondent to your requests to meet?

19 A That he would -- that I would have to contact my
20 attorney to schedule casework counseling.

21 Q And with respect to those statements, how many
22 meetings actually took place?

23 A None.

24 Q With respect to that, what, if any, effort did you
25 make to communicate the protocol that you've previously

1 testified regarding to the Respondent?

2 A I would put it in letter form and I also told him on
3 the telephone and at the service plan review that that is not
4 the protocol of the department.

5 BY MS. ROTHMAN:

6 Q Now, in addition to your attempts to meet for
7 casework counseling, what, if any, other type of meetings were
8 scheduled between January 1st of 2016 and March 31st of 2016?

9 A None.

10 Q What, if any, service plan reviews were scheduled
11 during that same timeframe?

12 A I have to recollect the dates.

13 MS. ROTHMAN: Your Honor, may the witness --

14 THE COURT: You may.

15 MS. ROTHMAN: -- refresh her recollection?

16 BY MS. ROTHMAN:

17 A And what was the timeframe again?

18 Q January 1st of 2016 through March 31st of 2016.

19 A Timeframe again, I'm sorry.

20 Q January 1st of 2016 through March 31st of 2016 and,
21 again, the question relates to an SPR scheduled during that
22 timeframe.

23 A January 25, 2015 (sic).

24 Q Who attended that service plan review?

25 A The guidance counselor and myself.

1 BY MS. ROTHMAN:

2 Q What, if any, explanation did the Respondent offer
3 for why he did not attend that service plan review?

4 A None.

5 Q Between January 2016 and March 31st of 2016, what, if
6 any, services to your knowledge was the Respondent engaged in?

7 A None.

8 Q What, if any, offers of assistance did you make to
9 him during that same timeframe?

10 A I offered for him to sign the consent so we could
11 verify that he was at the waitlist on St. Vincent's, the
12 MetroCards, the furniture share house.

13 Q And what, if any, response did he have to these
14 offers of assistance between January 1st of 2016 and March 31st
15 of 2016?

16 A He refused all of the above.

17 Q What, if anything, did he state in connection with
18 his refusal?

19 A That he would not allow the department to know what
20 he was doing; it was privileged information.

21 Q And between January 1st of 2016 and March 31st of 2016,
22 what, if any, plan did the Respondent offer to you regarding
23 the return of his son or plan for his son's future?

24 A None.

25 Q And, at that time, what was the goal still for

1 Stephen?

2 A Return to parent.

3 BY MS. ROTHMAN:

4 Q Directing your attention to April 1st of 2016 through
5 June 30th of 2016, again, how many visits were scheduled during
6 this timeframe?

7 A I have to recollect.

8 MS. ROTHMAN: Okay. And may the witness
9 refresh?

10 THE COURT: She may.

11 A Timeframe again.

12 Q April 1st of 2016 through June 30th of 2016.

13 A Seven.

14 Q How was the Respondent advised of these visits?

15 A Mail.

16 Q How many of these visits did the Respondent confirm?

17 A None.

18 Q How many visits actually took place?

19 A None.

20 Q What, if anything, did the Respondent state regarding
21 the scheduled visits during that timeframe?

22 A Can you repeat the question?

23 Q What, if anything, did the Respondent state to you
24 regarding scheduled visits between April 1st of 2016 and June
25 30th of 2016?

1 A I do recall that there was one visit that Mr.
2 Lamont stated that he would attend. I don't recall the date.
3 I have to recollect that. He would attend that visit as long
4 as the door was closed and I was on the outside.

5 BY MS. ROTHMAN:

6 Q And would that have been consistent with the
7 directives of the court Order at that time?

8 A No.

9 Q And, again, what was the provision regarding
10 visitation at that time between the Respondent and his son?

11 A It was supervised by the department at the child's
12 wishes.

13 Q In addition to the scheduled visits between April 1st
14 of 2016 and June 30th of 2016, what, if any, other attempts did
15 you make to meet with the Respondent?

16 A Casework counseling.

17 Q And how often were those casework counseling sessions
18 scheduled for?

19 A Prior to each visit.

20 Q How was the Respondent advised of your desire to meet
21 with him for casework counseling?

22 A Through letters.

23 Q And what, if any, response did the Respondent have to
24 your request to meet?

25 A That he would not meet unless his attorney was

1 present.

2 BY MS. ROTHMAN:

3 Q Did any meetings take place between you and the
4 Respondent between April 1st of 2016 and June 30th of 2016?

5 A No.

6 Q Between that same timeframe, so again April 1st of
7 2016 through June 30th of 2016, to your knowledge, what, if any,
8 services was the Respondent engaged in?

9 A None.

10 Q What, if any, offers of assistance did you make to
11 the Respondent to engage in services to aid in a reunification?

12 A We continued to offer him MetroCards, the Furniture
13 Share House, and, you know, mental health providers in the
14 community.

15 Q And what, if any, response did the Respondent have to
16 these offers of assistance?

17 A He refused.

18 Q Now, in addition to your offer of assistance for
19 mental health treatment, what, if any, offers of assistance did
20 you make to the Respondent regarding obtaining insurance
21 should he need it?

22 A I offered to assist him in that.

23 Q And what, if any, response did you have?

24 A He stated that he had his own insurance.

25 Q And between April 1st of 2016 and June 30th of

1 2016, what, if any, plan did the Respondent offer regarding
2 the return of his son or plan for his son's future?

3 A None.

4 BY MS. ROTHMAN:

5 Q Now, going to your entire duration of work on this
6 case, from approximately March 4th of 2015 up through the end of
7 June of 2016, you previously testified that you had attempted
8 one home visit. During that entire timeframe, what, if any,
9 other attempted home visits did you make?

10 A I attempted numerous home visits, but I only actually
11 made one other home visit with Mr. Lamont.

12 Q When you say that you attempted numerous home visits,
13 describe what would happen.

14 A Mr. Lamont's house you have to -- there's four
15 doorbells and none of them ring and you can't gain entrance to
16 the main entrance way and if you knock on the door, since he's
17 on the second floor, he can't hear it. So we can't gain
18 entrance to the home. So unless -- I can't get into the home,
19 I can't knock on his apartment door.

20 Q Now, with respect to the home visits, did -- what, if
21 any, efforts did you make to notify Mr. Lamont by phone or
22 letter that you were attempting to meet with him at his home?

23 A I had sent him letters stating that, you know, giving
24 him several dates for home visits.

25 Q And, again, you indicated you were able to make

1 one additional visit other than that April 13th of 2015?

2 A Yes.

3 BY MS. ROTHMAN:

4 Q Approximately when did you make that second home
5 visit?

6 A I have to recollect.

7 MS. ROTHMAN: Your Honor, may the witness
8 refresh her recollection?

9 THE COURT: She may.

10 A October 20.

11 Q Okay. Of 2015?

12 A Yes.

13 Q And were you able to gain access into the home at
14 that time?

15 A Yes, I did.

16 Q Describe the condition of the home in October of
17 2015.

18 A There was improvement in the home, there was some
19 sparse furniture. I noticed Mr. Lamont had put out golf clubs
20 and boogie boards. There were pictures of Stephen on his
21 sports teams and his medals hanging all over the living room.
22 There was food in the refrigerator and the house did not smell
23 as bad as it did the last time I was there.

24 Q And other than those two home visits that you did
25 gain access, any other time between March 4th, 2015 and June 30th

1 of 2016 that you were able to gain access to the home?

2 A No.

3 BY MS. ROTHMAN:

4 Q And can -- you have testified previously that when
5 you took over the handling of this case that the neglect matter
6 was still pending.

7 A Correct.

8 Q Do you recall testifying to that? And did there come
9 a time when you were involved that an Order was issued
10 directing that the Respondent comply with services?

11 A Yes.

12 Q When was that Order made?

13 A I believe it was in June of 2016.

14 MS. ROTHMAN: And, your Honor, again, this goes
15 with respect to the Order that I had previously asked the
16 Court to take judicial notice of that being an Order that
17 was rendered by Judge Katz June 29th of 2016.

18 BY MS. ROTHMAN:

19 Q Ms. Ferrucci, are you familiar, are you personally
20 familiar with the terms and conditions of the Order that was
21 issued on June 29th of 2016?

22 A Yes, I am.

23 Q And with respect to the terms and conditions that are
24 set forth in that Order, how, if at all, did they differ from
25 what DSS had been requesting the Respondent to comply with

1 since you began the handling of this case?

2 A They were the same except that forensic clinical
3 evaluations had been ordered.

4 BY MS. ROTHMAN:

5 Q And that was the -- that would be in addition to the
6 previous evaluations that you testified he had already
7 undergone?

8 A Correct.

9 Q Other than that, any differences between the
10 services?

11 A No.

12 Q With respect to this Order, what, if any,
13 communications did you have with the Respondent regarding the
14 terms of that Order?

15 A I sent him a letter with the terms that were in the
16 current court Order.

17 Q And what, if any, response did you receive from the
18 Respondent regarding that letter that you sent?

19 A He emailed me and told me that he was not going to
20 cooperate in any of the services that were ordered in that
21 final disposition.

22 Q From the time that you were first assigned to this
23 case in March of 2015, so March 4th of 2015 through June 30th of
24 2016, what type of setting has Stephen been residing in?

25 A In a regular foster home setting.

1 BY MS. ROTHMAN:

2 Q How many changes have there been to that setting that
3 Stephen's resided in?

4 A None.

5 Q What, if any, applications has the Respondent made to
6 the Family Court to your knowledge to have the child returned
7 to his care and custody?

8 A None.

9 Q And during the time between March 4th of 2015 and June
10 30th of 2016, what, if any, services has the Respondent engaged
11 in, to your knowledge, to work towards a goal of reunification
12 with his son?

13 A None.

14 Q During the time between March 4th of 2015 and June 30th
15 of 2016, how many visits have taken place between the
16 Respondent and this child?

17 A One.

18 Q During the time between March 4th of 2015 and June 30th
19 2015, what, if any, resources has the Respondent offered to the
20 department to the care for his son as an alternative to foster
21 care?

22 A None.

23 Q During the time between March 4th of 2015 and June
24 30th of 2016, what, if any, plan has the Respondent offered
25 or made to get his son out of foster care?

1 A None.

2 MS. ROTHMAN: Your Honor, I have no further
3 witnesses -- no further questions for this witness.

4 THE COURT: Okay. Ms. Hall, what would you like
5 to do?

6 MS. HALL: Your Honor, at this time, it is 3:56
7 p.m., I would ask that I be able to continue with this
8 witness at the next court date. I would like the
9 opportunity to discuss this matter with my client as well
10 as some issues that came up when we approached the bench.
11 I would like the opportunity to continue on the next date.

12 THE COURT: That's tomorrow at 2:00 p.m.

13 MS. HALL: That's my understanding.

14 THE COURT: Okay. All right. So we'll continue
15 tomorrow at 2:00 p.m.

16 MS. ROTHMAN: All right.

17 I will not speak to this witness regarding her
18 testimony.

19 THE COURT: Thank you.

20 MS. ROTHMAN: Thank you.

21 And, your Honor, just before the Respondent
22 leaves, Parker warnings in the event that he is released
23 from jail.

24 THE COURT: Yes. Okay. I expect you'll be
25 here tomorrow from jail. I did issue the bring-down

1 Order with tomorrow afternoon as well. If for any
2 reason you get released from jail before tomorrow
3 afternoon, and you fail to appear in court, we will
4 proceed in your absence. We will proceed to inquest.

5 MR. LAMONT: Pardon me?

6 THE COURT: If you fail to appear here in court
7 tomorrow, if you are released from jail and you fail to
8 appear, we'll proceed in your absence.

9 MR. LAMONT: No, I'll be here to defend this
10 frivolous petition.

11 THE COURT: Okay. If you're still in jail,
12 they'll transport you here. I signed a bring-down Order.

13 MR. LAMONT: Well, you said if I was released --

14 THE COURT: If you're released and you fail to
15 appear.

16 MR. LAMONT: I'm assuring you that I will be
17 here to defend this frivolous petition that offends the
18 rule of law.

19 THE COURT: Okay.

20 MR. LAMONT: And is an abuse of process.

21 THE COURT: Thank you.

22 COURT OFFICER: Parties are excused.

23 (THE PROCEEDINGS ENDED AT 3:58:46.)

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P R O C E E D I N G S

(THE PROCEEDINGS BEGAN AT 3:07:58.)

COURT OFFICER: These are cases 9 and 10 on today's calendar in the matter of Lamont.

Counselors, state your appearances.

MS. ROTHMAN: Noreen Rothman, assistant county attorney on behalf of Department of Social Services.

MS. CARTON: Robin Carton, attorney for the child, Stephen Lamont.

MS. HALL: Christina T. Hall, assigned counsel for Mr. Lamont that's present to my left.

COURT OFFICER: Sir, do you swear or affirm to tell the truth?

MR. LAMONT: I do.

COURT OFFICER: Please state your name and your address, unless your address is confidential.

MR. LAMONT: P. Stephen, with a P-H, Lamont, 1095 Boston Post Road in Rye.

COURT OFFICER: Do you swear or affirm to tell the truth, ma'am?

MS. BONFORTH: I do.

COURT OFFICER: Ma'am?

MS. FERRUCCI: Yes.

COURT OFFICER: Ma'am?

MS. CARTAGENA: Yes.

1 COURT OFFICER: Please state your name title
2 and agency.

3 MS. BONFORTH: Analise Bonforth, Westchester
4 County Department of Social Services.

5 MS. CARTAGENA: Chris Cartagena, Westchester
6 County Department of Social Services.

7 COURT OFFICER: Ma'am?

8 MS. FERRUCCI: Leslie Ferrucci, Department of
9 Social Services.

10 COURT OFFICER: You may all be seated.

11 MS. HALL: Your Honor, for the testimony and for
12 these proceedings today, I'm going to ask that my client's
13 handcuffs be removed.

14 THE COURT: Okay.

15 This is a continuation of the fact finding
16 hearing with respect to the county's petition to terminate
17 Mr. Lamont's parental rights. Yesterday we concluded, the
18 county concluded direct examination of Ms. Ferrucci. Are
19 you ready to call Ms. Ferrucci for cross-examination, Ms.
20 Hall?

21 MS. HALL: I am, Judge.

22 THE COURT: Okay. Please come up, Ms. Ferrucci.

23 COURT OFFICER: I remind you you're still under
24 oath.

25 THE WITNESS: Yes.

1 COURT OFFICER: You may be seated.

2 LESLIE FERRUCCI

3 testified as follows on:

4 CROSS-EXAMINATION

5 BY MS. HALL:

6 Q Ms. Ferrucci --

7 MS. HALL: May I proceed, Judge?

8 THE COURT: You may.

9 Q Ms. Ferrucci, my name is Christina Hall and I
10 represent Mr. Lamont in this matter. I just have some
11 questions for you. You testified yesterday that you became
12 involved in this case was it in March or May of 2015?

13 A March.

14 Q And when you became involved in this case, how would
15 you communicate with my client, writing, email or telephone?

16 A All of the above.

17 Q You indicated yesterday from March of 2015 to
18 December 31st of 2016, there were a number of visits scheduled
19 for my client and the subject child, correct?

20 A Correct.

21 Q And when you would send letters, as you testified to,
22 to provide my client with the dates of those visits, where
23 would you mail them to?

24 A 1095 Boston Post Road, Rye.

25 Q And you ensure that you put the address on the

1 letters, etc, and mailed them?

2 A Yes.

3 BY MS. HALL:

4 Q And is that a way that you could confirm that, in
5 fact, these letters were mailed to the address you just put on
6 the record?

7 A Can you repeat that?

8 Q Did you ensure that you put the address on the
9 letters to insure that they were mailed to the correct place?

10 A Yes.

11 Q Could you please tell us, when you mail a letter in
12 your office, what is the protocol? Do you draft the letter and
13 give it to someone else like a correspondence unit and then
14 they mail it out or do you mail it out yourself?

15 A I put it in an envelope and it goes in our outgoing
16 mail bin.

17 MS. HALL: Your Honor, at this time, I ask that
18 this one-page document be marked as Respondent's A for
19 identification and ask that it be shown to the witness.

20 THE COURT: Okay.

21 RESPONDENT'S EXHIBIT A

22 MARKED FOR IDENTIFICATION

23 COURT CLERK: This is Respondent's A for
24 identification without being shown to the Judge.

25 MS. HALL: Thank you.

1 BY MS. HALL:

2 Q Ms. Ferrucci, do you recognize what has been marked
3 as Respondent's A for identification?

4 A Yes.

5 Q And what do you recognize it to be?

6 A That's a letter that I mailed to Mr. Lamont.

7 Q And what's the date of that letter?

8 A June 8th, 2016.

9 Q And can you please --

10 MS. HALL: Your Honor, at this point in time, if
11 there -- withdrawn.

12 Q Is there any modifications to that letter, to your
13 knowledge?

14 A I don't follow.

15 Q Is that letter a true and accurate representation of
16 the letter that you drafted to my client?

17 A Yes.

18 MS. HALL: If there are no objections, I ask
19 that it be marked as Respondent's A in evidence.

20 MS. ROTHMAN: That's fine.

21 MS. CARTON: No objection.

22 THE COURT: Okay.

23 RESPONDENT'S EXHIBIT A

24 MARKED IN EVIDENCE

25 BY MS. HALL:

1 Q Can you please state the address which is listed
2 on that record that you mailed that letter to?

3 A There is no address on the letter.

4 Q So based on the letter that you see there's no way
5 that we can confirm that that letter was mailed to the correct
6 address, correct?

7 A Not by this letter. No.

8 Q Thank you.

9 MS. HALL: At this point in time, I ask that
10 this item be marked as Respondent's B for identification
11 and shown to the witness.

12 RESPONDENT'S EXHIBIT B

13 MARKED FOR IDENTIFICATION

14 THE COURT: Are you finished with A?

15 MS. HALL: Yes.

16 THE COURT: Hand that to the clerk, please.

17 COURT CLERK: Letter marked as Respondent's B.

18 BY MS. HALL:

19 Q Ms. Ferrucci, do you recognize the letter marked as
20 Respondent's B for identification?

21 A Yes.

22 Q What do you recognize it to be?

23 A That's a letter that I mailed to Mr. Lamont.

24 Q Is that a letter drafted by you?

25 A Yes.

1 BY MS. HALL:

2 Q Is that a true and accurate representation --
3 withdrawn. What's the date of the letter?

4 A June 9th, 2016.

5 Q Is that a true and accurate representation of a
6 letter drafted for Mr. Lamont?

7 A Yes.

8 MS. HALL: Your Honor, at this point in time, if
9 there's no objection, I'd ask that this be marked in
10 evidence as Respondent's B.

11 THE COURT: Any objection?

12 MS. CARTON: No objection.

13 MS. HALL: Or deemed marked so I can have the
14 witness hold it.

15 MS. ROTHMAN: Fine, your Honor. No objection.

16 THE COURT: Okay. That will be marked into
17 evidence as Respondent's B.

18 RESPONDENT'S EXHIBIT B

19 MARKED IN EVIDENCE

20 BY MS. HALL:

21 Q Can you please tell us the address that's listed on
22 that letter that you mailed it to?

23 A There's no address.

24 Q Do you remember testifying earlier today when I just
25 started asking you questions that you ensured that his

1 address was listed on the letters?

2 A I did.

3 BY MS. HALL:

4 Q And, therefore, your testimony was false, correct?

5 A In that --

6 Q That's a yes or no question.

7 A Yes.

8 Q Thank you. Isn't it true that almost every letter
9 you wrote or allegedly wrote to Mr. Lamont has no address on
10 it?

11 A Correct.

12 Q So there's no way to confirm whether or not these
13 letters were actually mailed to the correct place, correct?

14 A It was on the outside of the envelope.

15 Q Based on the letters that you've seen, and the
16 letters that you've written from March of 2015 to 2016 --
17 withdrawn. If there is no address on the letters that are
18 marked in evidence, isn't it fair to say that by looking at the
19 letter alone you cannot tell where that letter was mailed to?

20 A That is correct.

21 Q Isn't it true that a majority of your letters from
22 2015 March to December of 2016 do not have an address on it?

23 A Correct.

24 Q You testified early -- you testified yesterday that
25 my client participated in a psychiatric and psychological

1 evaluation, correct?

2 A Correct.

3 BY MS. HALL:

4 Q And isn't it true that that was based on the
5 recommendation of a prior caseworker?

6 A Correct.

7 Q And my client complied, correct?

8 A Correct.

9 Q And based on the evaluations you had the opportunity
10 to review those evaluations, correct?

11 A Correct.

12 Q And although they're not in evidence there are
13 certain type of recommendations that were made, correct?

14 A Correct.

15 Q Now, I want to explore what you did as a result of
16 those recommendations. Can you please tell me the date that
17 you made a referral for parent/child assessment?

18 A I did not.

19 Q You did not?

20 A No.

21 Q So from March of 2015 to December of 2016, you made
22 absolutely so recommend -- no referral for parent assessment,
23 correct?

24 A Correct.

25 Q Despite the fact that it was recommended in the

1 evaluation, correct?

2 A Correct.

3 BY MS. HALL:

4 Q And despite the fact that the Department of Social
5 Services wants my client to complete a parent/child assessment
6 in order for the child to be returned, correct?

7 A Correct.

8 Q Let's discuss individual therapy. Can you please
9 tell me the date that you made a referral for individual
10 therapy?

11 A I would have to recollect.

12 MS. HALL: Judge --

13 THE COURT: You may.

14 MS. HALL: -- may she use her casework records
15 to recollect her memory.

16 THE COURT: You may.

17 MS. HALL: She may. Thank you, Judge.

18 COURT CLERK: I'm sorry, are you finished with
19 Respondent's --

20 MS. HALL: Oh yes. Please. Thank you.

21 (PAUSE 3:17:19 TO 3:17:54.)

22 A I'm sorry. There's numerous sections.
23 April 9th of 2015.

24 Q April 9th of 2015?

25 A Yes.

1 BY MS. HALL:

2 Q And what, if any, referral did you make?

3 A I sent him a printout of referrals that were in his
4 community and surrounding area.

5 Q You sent him a printout of referrals or a printout of
6 providers?

7 A Providers.

8 Q Can you please explain to the Court what exactly is a
9 referral?

10 A I sent -- since it was recommended that Mr. Lamont
11 receive individual therapy --

12 Q No, I'm sorry. This is my question. What
13 specifically -- withdrawn. I'll withdraw that question. What,
14 if anything, do you do to refer a respondent to services; what
15 do you classify a referral to be?

16 A I gave him a list of providers in his area that he
17 could contact for individual therapy.

18 Q Is that considered a official referral?

19 A Yes.

20 Q When you make a referral to WIHD, do you have to
21 write some -- do you have to complete a referral form --

22 MS. ROTHMAN: Objection, your Honor, as to
23 relevance.

24 MS. HALL: Judge, I'm going into actual
25 referrals, as to what referrals means.

1 THE COURT: Okay. Is that an issue here,
2 WIHD?

3 MS. HALL: Well, here -- one of the part, yes.
4 Okay. I could withdraw.

5 BY MS. HALL:

6 Q Did you make a referral for the subject child Stephen
7 to go to WIHD?

8 MS. ROTHMAN: Objection as to relevance.

9 MS. HALL: I think it goes right into the weight
10 of a referral, Judge. Sending someone -- I submit sending
11 someone --

12 THE COURT: I'll allow it.

13 MS. HALL: Thank you.

14 BY MS. HALL:

15 Q Did you make a referral for WIHD for Stephen?

16 A Yes.

17 Q And when you made a referral, what specifically
18 entailed that referral process?

19 A A phone call.

20 Q A phone call to whom?

21 A WIHD.

22 Q And when you make that phone call to WIHD, do you
23 have to give them information about the case at hand?

24 A Yes.

25 Q And do you get a date schedule for intake or some

1 form of appointment?

2 A It preceded the filing of the recommendations of a
3 psychiatric evaluation.

4 BY MS. HALL:

5 Q And with regards to the list of providers that you
6 indicate you provided to my client, do you happen to have that
7 with you today?

8 A I do.

9 Q Can I see it?

10 A Can I recollect?

11 THE COURT: You may.

12 MS. HALL: Sure. Thank you.

13 (PAUSE 3:20:06 TO 3:22:09.)

14 BY MS. HALL:

15 Q Ms. Ferrucci, I actually withdraw that question. You
16 don't have to find it because it may take quite some time.
17 Just to be clear, did you indicate that you provided my client
18 with copies of providers on April 9th of 2015?

19 A Yes.

20 Q As a caseworker, are you required to take notes with
21 your cases?

22 A Yes, I am.

23 Q And how much after an event are you required to put
24 the notes in?

25 A Within a two week timeframe.

1 BY MS. HALL:

2 Q And providing my client with providers, would you
3 consider that something important to put into notes?

4 A Yes.

5 Q And did you put that in your notes?

6 A I believe I did, yes.

7 Q You believe you did or you did?

8 A I did.

9 THE COURT: She did what? The list of
10 providers?

11 Q The list of providers or that you even communicated
12 with him to provide him with the list of providers, correct?

13 A Yes.

14 Q Okay. Isn't it true that the only communication you
15 had with my client on April 9th of 2015 was an email from my
16 client indicating his concern that his child was missing
17 Spanish homework? Do you need to refresh your recollection?

18 A For the April -- an email or a letter mailed?

19 Q Or any form of communication from my client April 9th
20 of 2015?

21 A I have a letter that I mailed on April 9th and I have
22 to recollect the email communications.

23 Q Okay. Let me back up. When I asked you initially
24 when you made a referral for or provided him a list of
25 providers, you asked to refresh your recollection --

1 A Right.

2 BY MS. HALL:

3 Q -- is that correct?

4 A Correct.

5 Q And that you looked back at your records, correct?

6 A Correct.

7 Q And then you answered April 9th of 2015, correct?

8 A Correct.

9 Q At that point in time, did you see anything in your
10 records that indicated that, in fact, you did send him or
11 communicate with my client at all with regards to providers?

12 A Yes, I did.

13 Q And you indicate that you saw that for the date April
14 9th, 2015, correct?

15 A Yes. Correct.

16 Q And how specifically did you provide him with this
17 list through mail, email or phone call?

18 A Mail.

19 Q Yes. Do you remember testifying yesterday that you
20 emailed him?

21 A Yes.

22 Q So that was false, too?

23 A No, I did both.

24 MS. HALL: Your Honor, at this time I ask that
25 this three-page document be marked as Respondent's C,

1 I believe, for identification.

2 THE COURT: Okay.

3 MS. HALL: And shown to the witness.

4 THE COURT: Let's hand it to the clerk first,
5 please, and mark it.

6 COURT CLERK: C?

7 MS. HALL: I believe so. I think I'm at C, yes.

8 THE COURT: Can we staple them together?

9 COURT CLERK: All together as one?

10 MS. HALL: Yes, please. That'll be great, thank
11 you.

12 RESPONDENT'S EXHIBIT C

13 MARKED FOR IDENTIFICATION

14 (PAUSE 3:24:54 TO 3:25:55.)

15 MS. HALL: Your Honor, I ask what has been
16 marked as Respondent's C for identification be shown to
17 the witness.

18 BY MS. HALL:

19 Q Do you recognize what has been marked as Respondent's
20 C for identification?

21 A Yes, I do.

22 Q And what do you recognize it to be?

23 A As my progress notes.

24 Q And is that a true and accurate representation of
25 your progress notes?

1 A Yes, it is.

2 BY MS. HALL:

3 Q Did you have the opportunity to review the entire
4 progress note that's there?

5 A Yes, I did.

6 Q That consists of three pages, correct?

7 A Yes.

8 Q And from your review of the progress notes and
9 without reading from it verbatim, did you see anything in that
10 progress notes that indicates on April -- withdrawn. Is that a
11 progress note for, your complete progress note for April 9th of
12 2015?

13 A Yes.

14 Q And from you reading that progress note, do you see
15 anything about providing my client with any services for mental
16 health?

17 A Not in my notes, no.

18 Q Okay. Thank you. So please show me what you looked
19 at and what you testified to that indicates April 9th of 2015
20 refreshing your recollection.

21 MS. HALL: I'll take that document back. I'm
22 not putting it into evidence.

23 COURT CLERK: (Inaudible).

24 THE WITNESS: No. Oh, which one? Sorry.

25 (PAUSE)

1 A It's a letter.

2 MS. HALL: I'll ask that counsel see that first
3 before I see it. I'm not sure what it is. I just want to
4 make sure no privileged information is in there.

5 MS. ROTHMAN: No, no, no. This is something
6 that was turned over to you.

7 MS. HALL: Okay. So I just wanted --

8 MS. ROTHMAN: Yes.

9 MS. HALL: Thank you.

10 BY MS. HALL:

11 Q Ms. Ferrucci --

12 A Ferrucci.

13 Q Ferrucci, I'm sorry if I said that wrong.

14 A That's okay.

15 Q Ms. Ferrucci, have you prepared any notes or
16 documentations since the filing of this TPR, which predates the
17 filing of this TPR?

18 MS. ROTHMAN: Objection, your Honor, as to the
19 relevance for asking that.

20 MS. HALL: Judge, this is cross-examination. I
21 have a right to go in --

22 THE COURT: I'll allow it.

23 MS. HALL: -- as to whether or not somebody's
24 fabricating evidence.

25 MS. ROTHMAN: Your Honor, objection as to the

1 characterization.

2 MS. HALL: But this is what I'm trying to get
3 into.

4 THE COURT: Go ahead. I'll allow it.

5 BY MS. HALL:

6 Q Ms. Ferrucci, have you completed any notes --
7 withdrawn. Have you prepared any notes or documents post the
8 date of filing, which is either -- which is dated prior to the
9 date of filing?

10 A When was the date filed?

11 MS. HALL: Can we have that again, for the
12 record, Judge? The --

13 THE COURT: June 21, 2016.

14 MS. HALL: Yes.

15 A No.

16 Q You have not?

17 A No.

18 MS. HALL: Your Honor, at this time I offer this
19 one-page -- withdrawn.

20 BY MS. HALL:

21 Q Ms. Ferrucci, you don't like my client, correct?

22 MS. ROTHMAN: Objection, your Honor.

23 MS. HALL: This is cross-examination.

24 MS. ROTHMAN: Your Honor, this goes well beyond
25 the scope and, quite frankly, if counsel wants to get into

1 it and open the door regarding several communications
2 that her client has had with the department, she's opening
3 the door very wide.

4 MS. HALL: Judge, this is with regards --

5 MS. ROTHMAN: And I'm going to object to the
6 relevance. Personal feelings have nothing to do with
7 this.

8 MS. HALL: Judge, when a witness is on the
9 stand, and testifying, and I submit falsely testifying, I
10 have the right to go into why she may be falsely
11 testifying against my client. This is the type of case
12 this is unfortunately.

13 THE COURT: What I think Ms. Rothman is saying
14 is something that you need to understand. She's saying
15 you're going to be opening the door to perhaps some other
16 communications and I don't want this case really to go off
17 track and become a --

18 MS. HALL: Okay. Let me just go straight into
19 it, I'll withdraw my question.

20 THE COURT: Okay.

21 BY MS. HALL:

22 Q Ms. Ferrucci, isn't it true --

23 MS. HALL: I'll ask that this one-page document
24 be marked as Respondent's D for identification and shown
25 to the witness.

1 COURT CLERK: Respondent's D for
2 identification.

3 RESPONDENT'S EXHIBIT D
4 MARKED FOR IDENTIFICATION

5 MS. ROTHMAN: Oh, wait. I'm sorry. Okay.

6 MS. HALL: Thank you.

7 BY MS. HALL:

8 Q Ms. Ferrucci, do you recognize what that one-page
9 document is?

10 A Yes.

11 Q What do you recognize it to be?

12 A As a progress note.

13 Q Is that progress notes that you've prepared?

14 A Yes.

15 MS. HALL: I'd ask that --

16 Q Is that a fairly and accurately representation of a
17 progress note that you prepared?

18 A Yes.

19 Q I would ask that you look at that progress note dates
20 and when you're done looking you can look up. Isn't it true
21 based on your review of the progress notes that you inputted
22 then -- withdrawn. What is the date of that progress note?

23 A The date is -- the event date?

24 Q Correct.

25 A 6/1/2016.

1 BY MS. HALL:

2 Q June 1st, 2016, prior to the filing of this TPR,
3 correct?

4 A Yes.

5 Q And when did you put the progress notes into your
6 system?

7 A I see that was entered on August 17th, 2016.

8 Q August 17th, 2016, shortly before we came to court,
9 correct?

10 A I don't recall the last time we came to court.

11 Q So your note was put in well beyond the date of
12 filing, correct?

13 A Excuse me?

14 Q The note itself was actually inputted in your system
15 well beyond the date of filing, correct?

16 A Yes.

17 Q And you put in notes for dates at least 24 days prior
18 to the filing, correct?

19 A Yes.

20 Q So, therefore, once again, your prior testimony was
21 false, correct?

22 A Yes.

23 Q Thank you. Can I have that back?

24 What, if anything, else from your recollection was
25 recommended by the psychological and psychiatric evaluation?

1 A That Mr. Lamont see a psychiatrist in the
2 community, that he participate in individual therapy with his
3 son.

4 BY MS. HALL:

5 Q Individual therapy with the child?

6 A Yes.

7 Q Okay.

8 A And have -- be referred for housekeeping services and
9 financial planning.

10 Q Financial planning. What, if any -- please tell me
11 the date of the referral you made for financial planning.

12 A The department doesn't make financial planning
13 referrals.

14 Q So none was made, correct?

15 A None.

16 Q Please tell me the date of the referral you made for
17 housekeeping services.

18 A I did not make a referral for housekeeping services.

19 Q So from March of 2015 to December 31st of 2016 you did
20 not make a referral for housekeeping services, correct?

21 A Correct.

22 Q And yet you feel like my client -- withdrawn. The
23 Department of Social Services feels that my client's apartment
24 should be sanitary, of course, for the subject child to return,
25 correct?

1 A Correct.

2 BY MS. HALL:

3 Q And does the Department of Social Services feel like
4 my client can benefit from housekeeping services?

5 MS. ROTHMAN: Objection, your Honor, as to how
6 the department feels.

7 THE COURT: Sustained as to form.

8 MS. HALL: Sure.

9 BY MS. HALL:

10 Q Does the Department of Social Services -- is it the
11 Department of Social Services' position that my client and the
12 child can benefit from housekeeping services in the home?

13 MS. ROTHMAN: Objection as to form.

14 MS. HALL: It's a position.

15 THE COURT: I'll allow it.

16 A Can you reph -- can you repeat that, please?

17 Q Sure. Is it the Department of Social Services'
18 position that my client can benefit from housekeeping services?

19 A The last time I was at Mr. Lamont's home it did not
20 need housekeeping services.

21 Q So it was clean?

22 A It was clean.

23 Q Clean enough for Stephen, correct?

24 A Correct.

25 Q And the underlying neglect case is a dirty home

1 case, correct?

2 A Yes.

3 BY MS. HALL:

4 Q In the underlying neglect case there's no allegations
5 of mental disease or illness, correct?

6 MS. ROTHMAN: I'm going to object, your Honor.
7 the petition and the original findings stand for
8 themselves and what the judge determined.

9 MS. HALL: Well, with -- well, Judge, I can ask
10 what the underlying allegations are.

11 MS. ROTHMAN: And again, your Honor, it's a
12 petition that is in evidence. It's a court document.

13 MS. HALL: So can we stipulate then?

14 MS. ROTHMAN: I'll stipulate as to the petition
15 as to the finding by Judge Katz on June 29.

16 THE COURT: Okay.

17 BY MS. HALL:

18 Q So, at the point in time when you visited the home
19 and the home was clean, when was that?

20 A I'd have to recollect.

21 MS. HALL: Can she, Judge?

22 THE COURT: Yes.

23 A October 20th, 2015.

24 Q October 2015?

25 A Yes.

1 BY MS. HALL:

2 Q And my client had suitable provisions for the child
3 when you visited in October of 2015?

4 A No.

5 Q What was missing?

6 A Furniture.

7 Q Didn't you testify yesterday that there was more
8 furniture in the home when you went in in October of 2015?

9 A There was golf clubs and boogie boards. There were
10 more items in the home.

11 Q What about a bed; was there a bed for the child?

12 A There was a bed, yes.

13 Q So, what, if any, additional furniture would the
14 child need to your understanding?

15 A Kitchen table, couch, chairs, lamp.

16 Q What, if any, assistance did the Department of Social
17 Services provide to my client since October of 2015 to present
18 to get a table?

19 A I offered to take him to the Furniture Share House.

20 Q And when did you do that?

21 A Over a course of numerous opportunities in letters
22 and face to face.

23 Q And that would be in your notes, correct?

24 A Yes.

25 Q Do you remember specifically when you had that

1 conversation with my client?

2 A I would have to recollect.

3 MS. HALL: Judge, can she --

4 THE COURT: You may.

5 (PAUSE 3:37:42 TO 3:38:39.)

6 A Sorry, those are the service plan review.

7 (PAUSE 3:38:42 TO 3:39:36.)

8 A I have to (Inaudible), I know it's in here.

9 (PAUSE 3:39:37 TO 3:41:33.)

10 A I'm sorry, your Honor. There's a lot of notes.

11 (PAUSE 3:41:34 TO 3:41:56.)

12 A On October 20th we discussed the furniture that he had
13 in storage. So the Furniture Share House was discussed when I
14 came to visit him on October.

15 BY MS. HALL:

16 Q October 20?

17 A Yes.

18 Q Of 2015?

19 A Yes.

20 Q What, if anything, did you do from March, the time
21 you received the case, to October 20th with regards to the
22 furniture? Make any referrals?

23 A I would have to recollect if I mentioned it in
24 letters to him about the Furniture Share House.

25 Q You're not sure?

1 A Not off the top of my head, no.

2 BY MS. HALL:

3 Q Do you have those notes with you for that period?

4 A Yes, I do.

5 MS. HALL: Your Honor, if she may?

6 THE COURT: Yes, you may.

7 A From what were the dates?

8 Q From March you were on the case to October 20.

9 A What were the dates again? I'm sorry.

10 Q It's okay. March of 2015 to October 20, 2015.

11 A In a letter dated May 15th I mentioned that I can
12 refer him to the Furniture Share House.

13 Q Okay. So you said you can refer him?

14 A Yes.

15 Q Did you refer him?

16 A He didn't respond.

17 Q So the answer is no, no referral was made?

18 A No.

19 Q Do you happen to have a note for October 20th, a
20 progress note for October 20?

21 A Yes, I do. I was just looking at it.

22 (PAUSE 3:43:41 TO 3:44:46.)

23 MS. HALL: May I see it? Judge, I don't have
24 that note. I just wanted to see it. We've had a lot of
25 discovery through these proceedings, so I think it's

1 been probably skipped about a month.

2 MS. ROTHMAN: In what month?

3 MS. HALL: October of 2015.

4 MS. ROTHMAN: You should have gotten it, they
5 were all numbered. They were forwarded June 27th, 2016 and
6 they were completely numbered. I had handwritten
7 numbers on every single page.

8 MS. HALL: I just don't have that month, October
9 of 2015. It could just be a copy issue.

10 MS. ROTHMAN: Like I said, Judge, I will
11 represent that they were emailed I believe it was June 27th
12 and I did, I had handwritten numbers. So that way if
13 anything didn't go through because sometimes when things
14 get scanned it would be evident. So --

15 MS. HALL: I (inaudible). I don't have October
16 at all. Just give me a quick minute. October didn't
17 print in mine at all.

18 MS. ROTHMAN: It should be -- I was going to say
19 on yours it should have been pages 33 through 39 on my
20 handwritten numbers on the bottom lefthand corner.

21 MS. HALL: (Inaudible not near microphone.)

22 (PAUSE 3:45:44 TO 3:46:11.)

23 BY MS. HALL:

24 Q Just to be clear, Ms. Ferrucci, are you indicating
25 that in your note on October 20th of 2015 you referred Mr.

1 Lamont to the furniture -- did you say warehouse?

2 A Share House.

3 BY MS. HALL:

4 Q Share House, thank you.

5 A I didn't say I referred him, we talked about it.

6 Q Oh, you talked about it.

7 A Yes.

8 Q Okay. So was there ever a referral?

9 A Yes, well -- actually, no.

10 Q All right. With regards to the parent and child
11 individual therapy that was recommended, did you make a
12 referral for that?

13 A No, I did not.

14 Q So for the entire time this case has been pending you
15 didn't make a referral for that either?

16 A No, I did not.

17 Q Was there any services or assistance you provided to
18 my client other than allegedly sending him a list of providers,
19 which is not in your notes, that you made a referral for as a
20 result of the evaluations?

21 A Can you repeat that, please?

22 Q Did you assist my client in any other way, other than
23 allegedly providing him with a list of providers, for
24 individual therapy for himself?

25 A In my letters I would ask him if he needed

1 assistance to get insurance, if he needed MetroCards to come
2 to visits, if he needed a referral to the Furniture Share House
3 or to food pantries.

4 BY MS. HALL:

5 Q When you -- is the mission of the Department of
6 Social Services to reunify families?

7 A Yes.

8 Q And within that mission, is it your understanding
9 that your duties is to make referrals for parents that have
10 their children removed?

11 A Yes.

12 Q And to be clear, with regards to my client, Mr.
13 Lamont, no official referrals were made for him, correct?

14 A Correct.

15 Q Let's talk about visits. With regards to the visits
16 that were scheduled by you from March of 2015 to December of
17 2016, isn't it true that the visits did not take place as a
18 result of the child not coming?

19 MS. ROTHMAN: Your Honor, can I just hear the
20 timeframe again?

21 Q From March of 2015 to December of 2016.

22 A No.

23 Q I'll break it up in time. December of 2016, isn't it
24 true that the visits didn't take place because the child didn't
25 come?

1 A Correct.

2 BY MS. HALL:

3 Q November of 2016, isn't it true that the visits
4 didn't take place because the child didn't come?

5 A I have to recollect my notes.

6 Q Sure, that's November 2016 not '15.

7 A Right. Right.

8 MS. ROTHMAN: November 2016?

9 MS. HALL: Correct.

10 A That's what I --

11 MS. ROTHMAN: I'm going to object. That's
12 beyond the scope of this termination proceeding.

13 MS. HALL: I thought you asked yesterday -- so
14 where did you end yesterday?

15 MS. ROTHMAN: I ended June 30, 2016.

16 MS. HALL: That's fine. I'll start there.
17 I thought -- I thought we had agreed it was 2016 December.

18 MS. ROTHMAN: No.

19 MS. HALL: I apologize. I'll withdraw that
20 question.

21 BY MS. HALL:

22 Q June 30th of 2016, the visits didn't take place as a
23 result of the child not coming, correct?

24 A I'd have to recollect.

25 Q Not June 30th that day, the month of June.

1 A No, the month of June, yes. I'd have to
2 recollect.

3 BY MS. HALL:

4 Q If you can --

5 MS. HALL: If she can, Judge?

6 THE COURT: You may.

7 (PAUSE 3:49:47 TO 3:50:48.)

8 A Are we talking about 2016 or '15?

9 Q 1-6.

10 A I'm wrong, sorry.

11 Q If you just looked at 1-5 -- withdrawn. 1-6, that's
12 what we're looking at.

13 (PAUSE 3:51:00 TO 3:51:50.)

14 BY MS. HALL:

15 Q Ms. Ferrucci, I could probably make this much easier
16 for you. I'm going to withdraw that question. From March of
17 2015 to June of 2016, isn't it true that a majority of the
18 visits were cancelled by the child?

19 MS. ROTHMAN: Actually, your Honor, I'm going to
20 object to that question. There was a court Order in
21 effect beginning May 13th, which prohibited all visits --

22 MS. HALL: May 13th, what was the time period?
23 It was May to June, correct?

24 MS. ROTHMAN: It -- the Order of Protection was
25 in effect May 13th of 2015 through August 5th of 2015

1 and that prohibited all contact.

2 MS. HALL: Okay. That's fine. I have no
3 problems with that.

4 BY MS. HALL:

5 Q With the exclusion -- I'll ask again. Withdraw my
6 prior question. From March of 2015 to June of 2016, with the
7 exception of May 13, 2015 to August of 2015, isn't it true that
8 the majority of the visits were -- did not take place as a
9 result of the child not coming?

10 A No.

11 Q How many visits did the child want to come to?

12 A I would have to count.

13 Q Isn't it true that the visits are scheduled for
14 every other week?

15 A Yes.

16 Q And isn't it true that based on your testimony
17 yesterday, the child only attempted to come to three visits?

18 MS. ROTHMAN: Objection, your Honor,
19 mischaracterization of the testimony.

20 THE COURT: I don't recall what it was.

21 BY MS. HALL:

22 Q Do you remember?

23 A Can you repeat the question?

24 Q I'll try. Isn't it true that based on your testimony
25 yesterday, the child only attempted to come to three visits?

1 MS. ROTHMAN: I'm going to object again. It
2 just -- if we could just limit it with the timeframe
3 again.

4 MS. HALL: The same timeframe. I'm not going
5 on. It's from March of 2015 to June of 2016 with the
6 exception of May 13, 2015 and April (sic) of 2015.

7 BY MS. HALL:

8 A No.

9 Q How many visits took place.

10 THE COURT: Wait. I'm sorry. Excluding May --
11 I thought you said to August.

12 MS. HALL: August of 2015.

13 THE COURT: May 13, 2015 to August 2015.

14 MS. HALL: Correct.

15 BY MS. HALL:

16 Q How many visits took place?

17 A What dates again?

18 Q Since the case started, how many visits took place?

19 A Oh, I would have to count. There were numerous
20 scheduled, but how many visits -- actual visits --

21 Q How many visits actually took place?

22 A One.

23 Q One. And based on -- outside of that one visit,
24 isn't it true that you have had numerous -- withdrawn. Isn't
25 it true that you reach out to the child every other week to

1 see if he wants to visit?

2 A Yes.

3 BY MS. HALL:

4 Q And isn't it true that you have written my client
5 and informed him that the child does not want to visit?

6 A Not for that entire timeframe, no.

7 Q Not the entire timeframe. Haven't you written to
8 him?

9 A Yes.

10 Q And isn't it true that in June of 2016 the visits did
11 not take place as a result of the child not wanting to visit?

12 A Yes.

13 Q And isn't it true that in May of 2016 the visit did
14 not take place as a result of the child not wanting to visit?

15 A I'd have to recollect.

16 Q Can you?

17 A May of 2016?

18 Q Yes.

19 (PAUSE)

20 Q Ms. Ferrucci, I'll withdraw that question. Probably
21 I could speed this up again, sorry, I know you have a lot of
22 notes. I'm just trying to help out the Court here. With
23 regards to, I just want to be clear, are you the only
24 caseworker for the Department of Social Services that would
25 make a referral for my client?

1 A Yes.

2 BY MS. HALL:

3 Q So, therefore, based on your testimony that you did
4 not make any referrals from March of 2015 -- I'm going to cut
5 it down now based on counsel's representation to June of 2016,
6 there has been no referrals from anyone else with DSS since
7 that time period, correct?

8 A Correct.

9 MS. HALL: Your Honor, at this time I do have an
10 application for this Court. I don't necessarily believe,
11 I'm asking for a directed verdict at this point in time.
12 I don't necessarily believe the Court needs to continue
13 and waste time based on the actual worker who was the only
14 person working on this case who has testified that she has
15 made zero referrals for my client.

16 This Court based on that testimony and based on
17 her testimony that no one else can make these referrals
18 this Court can actually dismiss this petition right now.
19 I believe that -- I think that it's in the county's best
20 position, instead of the Court making a finding,
21 withdrawing this, it's premature, and doing whatever they
22 deem appropriate in the future; however, Judge, based on
23 the testimony, I submit this Court has no tryable issues
24 of fact and this Court can make a decision right now.

25 MS. ROTHMAN: Your Honor, I would oppose

1 counsel's application at this time. She is in the
2 middle of cross-examination. I'm obviously free to
3 recross -- excuse me redirect this witness. There are
4 certain questions that she has been asked that, quite
5 frankly, follow up questions will elaborate on and will
6 demonstrate efforts made by the department.

7 So, at this point, I do believe counsel's
8 application is premature and I would ask for it to be
9 denied in its entirety.

10 THE COURT: I'm going to deny it on the basis of
11 prematurity, so that's without prejudice to renewal --

12 MS. HALL: Sure.

13 THE COURT: -- after the completed testimony.

14 BY MS. HALL:

15 Q May of 2015, isn't it true that the visits did not
16 take place as a result of the child not wanting to come?

17 A May of 2015?

18 Q 2016, sorry.

19 A I'd have to look.

20 Q Yes, you could look.

21 (PAUSE 3:57:24 TO 3:58:10.)

22 Q I'm sorry. May --

23 A There was one visit in June where Stephen refused to
24 come. The second visit, the father failed to confirm.

25 Q And what visit did my client fail to confirm?

1 A Can I --

2 Q Sure.

3 (PAUSE 3:58:21 TO 4:00:47.)

4 MS. HALL: Your Honor, as the witness is
5 looking through her documents, my client does have a
6 question regarding a pending Order to Show Cause.

7 MR. LAMONT: There's a Order to Show Cause
8 before you to have SL, as he's referred to in federal
9 court, taken to the Taft School for an interview --

10 THE COURT: All right. Hold on a minute. Let
11 me see.

12 MS. HALL: Yes. This is regarding the subject
13 child and the Taft School for an interview.

14 MS. ROTHMAN: There is no Order to Show
15 Cause. That was rejected by this court. There's an email
16 from the court staff indicating that it's not being
17 accepted.

18 THE COURT: Is that -- it wasn't docketed?

19 MS. ROTHMAN: No.

20 (PAUSE 4:01:32 TO 4:01:56.)

21 THE COURT: Yes. So this is a copy of an email
22 that my court attorney sent to you Ms. Hall, Ms. Rothman
23 and Ms. Carton.

24 MS. CARTON: Yes.

25 THE COURT: Let's take a look at it.