

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
DOMESTIC RELATIONS BRANCH – ADOPTION**

EX PARTE IN THE MATTER OF)	ADOPTION CASE NO. A-
)	
THE PETITION OF)	
)	
)	JUDGE RONNA LEE BECK
)	
FOR ADOPTION OF)	
MINOR CHILD(REN))	

LIMITED CONSOLIDATION WITH

IN THE MATTER OF)	NEGLECT CASE NO. N-
)	
)	SOCIAL FILE NO.
DOB:)	
)	NEGLECT REVIEW CALENDAR
)	JUDGE
RESPONDENT(S))	
)	

ORDER HOLDING THAT PREVIOUS POSTING IS SERVICE

This matter is before the Court upon consideration of petitioner’s motion to treat the previous posting in this case, pursuant to the court’s Order, as service by posting on: _____.

The petitioner contends that the Diligent Search Unit of the Child and Family Services Agency has been unable to serve the above-referenced person, despite diligent efforts. The Affidavit or Affidavits of the assigned Diligent Search investigator, filed in the case jacket and incorporated here by reference, list the steps that were taken to locate the person.

The Superior Court Adoption Rules require that service of the Notice of Adoption and Order to Show Cause shall be made on each party and on any other person whose consent to the adoption is necessary and who has not executed a written consent to the adoption or a relinquishment of parental rights or had his or her parental rights terminated. Super. Ct. Adoption R. 4(d). Superior Court Adoption Rule 4(e)(3) authorizes posting under certain circumstances:

Upon a determination that [personal service] will not be effective, the Court may order posting or publication of the notice. Where the subject of an adoption petition has been adjudicated to be neglected pursuant to D.C. Code Ann. § 16-2301 *et seq.*, or in other cases as ordered by the Court, service may be made by posting of the notice by the Clerk in the Domestic Relations Clerk's Office for not less than 14 days or for a period otherwise ordered by the Court..

Super. Ct. Adoption R. 4(e)(3).

When determining whether personal service will be effective, the Court must assess whether the child-placing agency made diligent efforts. The Court of Appeals has held that a showing of diligent but futile efforts to ascertain the whereabouts of the defendant is a prerequisite to an order substituting constructive service for personal service. *Bearstop v. Bearstop*, 377 A.2d 405, 408 (D.C. 1977). "It is only when the serving party is unable to effect personal service that provisions for other types of notice to a parent concerning proceedings to terminate the parent-child relationship may be given." *In re E.S.N.*, 446 A.2d 16,17 (D.C. 1982).

Posting in this case is authorized by Super. Ct. Adoption R. 4(e)(3) because the child has been adjudicated neglected. Moreover, the Court of Appeals has approved the posting of notice in certain circumstances where a parent cannot be located. *In re E.S. N.*, 446 A.2d at 18. Posting is appropriate in this case, where the person cannot be

located and apparently has not had a relationship with the child for a significant amount of time.

WHEREFORE, it is this _____ day of _____, 2004,
hereby

ORDERED that petitioner's motion to treat the previous posting in this case as service on _____ is GRANTED.

JUDGE RONNA LEE BECK
(Signed in Chambers)

Copies to:

Parties in Open Court