



IN THE JUVENILE COURT OF CLEBURNE COUNTY, ALABAMA

IN THE MATTER OF:)	
)	
JON DOE/JOHN DOE a.k.a.)	CASE NO.: JU-2016-000088.02
BABY BOY HOLM)	
)	
A MINOR CHILD.)	

ORDER TERMINATING PARENTAL RIGHTS

This cause came for trial on January 30, 2018 on a Petition to Terminate Parental Rights filed by the Cleburne County Department of Human Resources (hereinafter DHR). Present for said hearing were the following: The Petitioner, DHR, by its Service Supervisor, Leslie Smith, together with her attorneys of record, Jonathan Schlenker and Joshua J. Lane, Assistant Attorneys General; and the Honorable Allison Miller, Guardian *ad litem*. The Minor Child was not present, his presence being waived by the Guardian *ad litem*. The Mother, Danielle Holm, and the Father, Christian Holm, were not present. Court records indicate that both parents were personally served with the Petition to Terminate Parental Rights on September 29, 2017, and notice of the hearing date, time, and location were mailed to the address provided by the Parents on December 4, 2017. The parents have previously refused to accept court appointed counsel and have previously stated to the court they did not want an attorney, even when an attorney appeared on their behalf *pro bono*. Accordingly, the parents did not have counsel.

On DHR's motion, the court took judicial knowledge of all previous Orders and proceedings of this Court. The original judge assigned to this case has recused; accordingly, in order to become familiar with the history and law of the case, the Court

has reviewed the transcripts from the hearings conducted before being assigned this case.

Also, after being personally served with DHR's petitions, the Parents submitted to all parties, this Court, the Calhoun County District Attorney, the Alabama Supreme Court, the United States Supreme Court, the Governor, the United States and Alabama Attorneys General, and the President of the United States a lengthy hand written document denying any wrong doing and pleading what can only be described as the affirmative defense of Grand Conspiracy. Since this pleading was submitted in response to DHR's Petition to Terminate Parental Rights, the Court has accepted it as the Parents' Answer, even though the document is not specifically enumerated as such. The Court notes that the Parents' Answer, dated November 27, 2017, requests that they be contacted at the same address where notice of the TPR trial date was sent.

The Court heard testimony from witnesses who were duly sworn. Further, the Court considered exhibits which were properly authenticated and relevant, competent, and material to the Petition. Based upon this evidence, the Court finds as follows:

First, the Parents, without any justifiable reason, have refused to name the Minor Child, a baby boy, or to obtain a social security number or birth certificate for the Child. In addition to creating substantial problems for the care and maintenance of the Child as set forth below, the lack of a name, birth certificate, or social security number precludes any ordinary reference to the Child except by that impersonal designation.

CONCERNS IDENTIFIED BY THE DEPARTMENT

DHR presented testimony and evidence to establish the concerns it had and the Parents' willingness or ability to discharge their parental responsibilities.

Stacy Jackson is a social worker with DHR. Jackson has a Masters in Science and Social Work and she is a Licensed Master Social Worker. Jackson has extensive training and work history in social work in child protective services and mental health counseling; accordingly, the Court granted DHR's motion to designate Jackson as an expert in these areas.

Jackson testified that DHR became involved when Danielle Holm (the Mother) was admitted to the hospital while in labor with the Child in October, 2015. Pursuant to discussions with the Mother and Christian Holm (the Father), Jackson learned that the Parents had been on a religious journey which included a walk from Montgomery, Alabama to the top of Cheaha Mountain in Cleburne County, Alabama (a distance of approximately 100 miles) while the Mother was in last stages of her pregnancy. The purpose of this journey was so that the Mother could give birth to the Child on the highest point in Alabama. The Father disclosed that they had made the journey based on a commandment from God to deliver the child in nature on the Mountain. The Father also claimed that the Child was a profit of God. The Parents told Jackson that the Mother did not seek or receive any pre-natal care and that they had not intended to receive any form of medical care to assist during or after the birth of the child. Medical care was only sought after the Mother had undergone labor for an extended period time. Even assuming that there was a moment of clarity to seek help at this point, the Father informed Jackson that he had regretted accepting medical help and believed he and his wife were being punished for violating God's commandment.

Consistent with this belief, the Parents refused to allow doctors to administer important medical tests on the Child as recommended by the doctors caring for him at

the hospital. The doctors recommended the tests because of risks associated with the Parents' decision to expose the Child to dangerous conditions during his birth. By the time DHR could obtain custody and have the tests performed, the doctors informed Jackson that the tests would no longer be effective since too much time had elapsed. The Court notes that the fact the Child would ultimately turn out to be healthy without the tests is of minimal importance. The child's future health could not have been determined by the Parents' at the time the doctors sought to perform the tests. The lack of consequence to the Parents' risky choices does not negate the risk, but it does indicate a serious lack of judgment or concern by the parents to address medical needs caused by their own actions.

Jackson, as the child abuse and neglect investigator and initial worker on the case, was charged with the duties of assessing the needs of the family. Jackson was joined in this assessment by DHR Service Supervisor Leslie Smith. The Father disclosed that he had been previously diagnosed with a mental illness by Savannah Counseling located in Savannah, Georgia. The certified records of the Father's treatment there were admitted and indicate that the Father's diagnosis was schizophrenia.

Jackson testified that the delusional characteristics of the Father's diagnosis could cause the Father to make decisions that would endanger the child. Jackson testified that the Father's behaviors throughout the course of the case were consistent with her concerns. DHR introduced into evidence a video created and posted online by the Parents. The video, an extended diatribe on such subjects as the evil associated with right angles and the divinity of wavy lines, demonstrates the kind of irrational

thinking that supports Jackson's concerns. While this Court will not venture into a diagnostic impression of the Parents based on an online video, the Court is not obligated to turn a blind eye to common sense and nearly universally accepted perceptions of reality. While the video does not by itself conclusively prove that the Parents' are incapable parenting, it is relevant, and in concert with other evidence, it supports DHR's conclusion that the Father's mental health is a valid and serious concern and that a plan was necessary to address these concerns.

Jackson further identified concerns with the Mother. According to Jackson, the Father seemed to control all interactions with the Mother and would always answer for her, even when Jackson was trying to obtain an answer directly from the Mother. The Mother was in complete agreement with the Father, and did not demonstrate any ability to protect the child from the Father. The Mother and the Father remained married and lived together, to the extent that they had a place to live, and the Mother did not demonstrate the capacity to protect the Child from the Father's delusions. In fact, she was a willing participant in them.

Jackson further identified that neither Parent had the means to provide even the most basic needs for the Child. The Parents' entire plan to provide those basic needs was simply the belief that they would be given what they needed to survive. The Parents had no food, shelter, or clothing for their infant child, and no plan to obtain them. While the Court recognizes that wealth and status are by no means necessary to properly discharge parental responsibilities, this does not negate need and obligation of parents to provide for the basic needs of their child. The refusal to do so demonstrates an unwillingness or inability to discharge parental responsibilities. Relevant to this issue

was testimony that the Parents had originally been the willing recipients of generous handouts from a local church and specifically one of its members who had been sympathetic to the Parents; however, that generosity ended when the church member became concerned that she believed the Parents designed to make the Child a martyr.

Jackson also testified that the Father admitted previous drug abuse.

REASONABLE EFFORTS TO REUNIFY

Service Supervisor Leslie Smith has been the DHR supervisor on this case since its inception. She provided testimony about the parenting concerns identified and outlined above. She further provided testimony about the plan put in place to address those concerns, the efforts by DHR to assist the Parents in addressing the concerns according to that plan, and the Parents' compliance with that plan.

According to Smith, after DHR received custody, an Individualized Service Plan (ISP) was implemented with the Parents so that the Parents could have the Child returned to their care. In order for DHR to recommend reunification between the Parents and the Child, the Parents had to achieve certain goals. First, the parents had to demonstrate that they could provide the basic needs for the Child. Second, the Parents had to demonstrate that they were addressing their mental health concerns and were not a threat to the child. Third, the Parents had to learn and exhibit basic parenting skills and protective capacities. And finally, the Parents had to demonstrate that they were not using drugs.

In order to achieve these goals DHR offered and paid for services to the Parents. First, DHR set up supervised visitation with the Parents and the Child to create and maintain a bond between them. Second, DHR requested that the Parents undergo

psychological evaluations and comply with the recommendations including counseling. Finally, DHR requested that the Father submit to random drug screens. With the exception of visitation, the parents refused to participate in any of these services to any meaningful degree, and even their participation in visitation was sporadic and unproductive at best.

DHR provided supervised visitation for the Parents. At first the Parents attended the visits regularly, although Smith testified that the Father's participation in the visitation was extremely limited by his preference to engross himself with the use of his phone. Ultimately, however, the parents abandoned all pretense of actually trying to bond with the Child and did not visit with him from May 17, 2017 until October 6, 2017¹. The Parents suddenly and unilaterally stopped exercising their visitation with the Child and completely disappeared from his life for a period of more than four months. The Parents never provided any reasonable explanation for this abandonment, and even though they would periodically contact DHR, they never asked about the Child or his well-being. The Parents' whereabouts were unknown during this period except that in July, 2017 the Parents reported being in Washington D.C. The Parents temporarily resumed visits from October 6, 2017 to November 17, 2017 when they visited with the Child five times, but from November 17, 2017 until the date of the trial, the Parents have again abandoned all pretense of visiting with the Child.

DHR has made attempts to contact the Parents since their most recent abandonment. DHR even had special investigators travel to Georgia to attempt to locate them at their last two known addresses on December 13, 2017. According to

¹ Smith testified that that the Parents' first attempt to contact DHR to restart visits occurred on September 29, 2017. The court notes that even this date is more than four months since the Parents' previous attempt to have contact with the child.

Special Investigator Charles Oliver, one address was a campground where the manager informed him that the Parents had moved around the Thanksgiving holiday. The other address was a UPS store and not a residence. Testimony was also presented by Smith and Stacy Bowen from the Cleburne County DHR child support unit that the Parents have never provided any material support for the Child, including the four month period from May to October 2017 when they had no contact with the child.

DHR offered psychological and counseling services to the Parents at DHR expense from the beginning of DHR involvement. The Parents refused to participate in these services until their brief reappearance in October, 2017. At that time, they agreed to attend counseling with Edith Couch. The Parents presented for a single counseling session, and they only stayed for approximately 30 minutes. This was the extent of their attempts to participate in any services beyond the visitation described above.

According to Smith and the current DHR Social Worker Kalisha Feazell, the Parents have not complied in any meaningful way with any of the services provided. Feazell testified that at present, the Parents have not taken any steps to address any of the concerns that led to the Child's removal, and that the Parents' current whereabouts are unknown. DHR Social Worker Jackson testified regarding a number of public and threatening posts made by the Parents expressing disdain for all things DHR including characterizations that DHR was a virus that must be extinguished by an antidote. Jackson testified, and this Court would agree, that such statements by the Parents amount to an affirmative assertion that they are likely never going to comply with DHR services now or in the foreseeable future. Feazell testified that without the completion of these services, DHR could not recommend reunification with the Parents.

Based on the foregoing, the Court finds that there is clear and convincing evidence that DHR has made reasonable efforts to reunify and that those efforts have failed; however, the court further finds that there is clear and convincing evidence that that Parents abandoned the Child for a period of more than four months and that this relieves DHR of their obligation to provide reasonable efforts to reunification pursuant to *Ala. Code* §12-15-319(a)(1) (1975).

VIABLE ALTERNATIVES TO TERMINATION

Smith testified to efforts to locate relatives who might be willing and able to care for the child in order to avoid the necessity of termination of parental rights. Those efforts revealed only five possible relatives for placement of the children. Maternal Aunt Veronica Cucinotta was ruled out when she expressed that she was not interested being a placement option, as did maternal grandmother Jeanne Stewart, and the Father's cousin Jimmy Holm. The Child's great aunt, Linda Topjaun refused to provide DHR with her contact information. The paternal grandfather Charlie Holm did participate in an ISP via telephone. At first, Mr. Holm expressed some willingness to be considered, but after multiple unsuccessful attempts to obtain important information from him, Mr. Holm informed DHR that he did not want to be considered a placement option and that he was unaware of any family members that would be willing to accept the responsibility. No other relatives could be located.

BEST INTEREST OF THE CHILD

The totality of the evidence presented during trial clearly and convincingly establishes that the Parents are unable or unwilling to discharge their parental responsibilities to their child. It is apparent that while the Parents have no inhibition in

publically displaying themselves as martyrs and victims of an overreaching state as it relates to the removal of their child, they have made no cognizable effort to remedy the situation. The Parents have used their child as the idol of their anguish, but have demonstrated absolutely no desire to love him beyond his usefulness in their crusade of self-aggrandizement. They have consistently denied the Child their filial affection and support, and have inexplicably missed every opportunity to see the miracle of their own child's development. In the meantime, this baby boy has languished without the dignity of a name simply because the Parents have refused, without any reasonable ground, to partake in the first act of human love which is to give their child his name. Even the most neglectful and abusive of parents rarely so willingly deny this basic expression of love. For more than a year, DHR has born the full financial responsibility of all of the Child's medical expenses² entirely because the child has been denied a name, birth certificate, and social security number. The Court notes that the Father reported to DHR that the reason for this decision is that he does not want the Child to be subject to the state's control. The Court notes that the Father has informed DHR that his income is entirely dependent on a disability check issued by the government. The Court finds it tragically ironic that a father would deny his child the same governmental benefits he so willing accepts while simultaneously refusing to provide any support or maintenance for the Child.

While in DHR custody, the Child has grown and developed normally and has been loved by his foster parents who have expressed the willingness to provide the Child with the permanency and filial affection so long denied by his parents. The Court

² Testimony was presented that federal government benefits such as Medicaid were not available to the Child due entirely to the Parents' refusal to name him.

doubts, based upon the evidence presented, that the Parents can, or even wish to provide such basic needs as love and identity to this child if it is not in furtherance of some political or quasi-religious cause. And to the extent that the Parents' decisions are driven not by selfishness, vanity, or conceit but rather by mental or emotional illness, the evidence is clear that this condition is of such duration and nature as to render the parents unable to care for the needs of the child. The Court finds that the best interest of the child is served by the termination of parental rights.

THEREFORE, it is **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

1. That having considered the *ore tenus* testimony and evidence offered at the adjudicatory hearing, the Court finds that the Petition to Terminate Parental Rights of Danielle Holm and Christian Holm to the Child known only as **Jon Doe/John Doe or Baby Boy Holm**, filed by the Cleburne County Department of Human Resources is due to be **GRANTED**;

2. This Court specifically finds that there is clear and convincing evidence, competent, relevant, and material in nature that the Mother, Danielle Holm, and the Father, Christian Holm, or any other individual, known or unknown, who may have interest in or claim to be the Father of **Jon Doe/John Doe a/k/a Baby Boy Holm**, are not willing or able to discharge their responsibilities to and for their Minor Child, **Jon Doe/John Doe a/k/a Baby Boy Holm**; that the conduct or condition of the Parents renders them unable to properly care for their minor children and that said conduct or condition is unlikely to change in the foreseeable future. The Court further finds that there are no viable alternatives to Termination of Parental Rights and no potential relative resources available for the permanent placement of these children. This Court

finds adoptive resources have been identified for the minor children and the Cleburne County Department of Human Resources hopes to finalize the adoption in the near future.

3. In making the foregoing findings, the Court has considered the factors set forth in Section 12-15-319 (a) of the Code of Alabama (1975), Specifically:

- a. That the Parents have abandoned the Child, and that the period of abandonment continued for a period of longer than four months, *Ala. Code §12-15-318(a)(1) (1975)*;
- b. That Emotional illness, mental illness, or mental deficiency of the Parents have existed for a duration or nature as to render the Parents unable to care for the needs of the Child, *Ala. Code §12-15-318(a)(2) (1975)*;
- c. That reasonable efforts by the Department of Human Resources leading toward the rehabilitation of the Parents have failed, *Ala. Code §12-15-318(a)(7) (1975)*;
- d. That the Parents have failed to provide for the material needs of the Child or to pay a reasonable portion of support of the child, where the Parents are able to do so, *Ala. Code §12-15-318(a)(9) (1975)*;
- e. That the Parents have failed to maintain regular visits with the child in accordance with a plan devised by the Department of Human Resources, and agreed to by the Parent, *Ala. Code §12-15-318(a)(10) (1975)*;

- f. That the Parents have failed to maintain consistent contact or communication with the child, *Ala. Code* §12-15-318(a)(11) (1975);
- g. That there has been a lack of effort by the Parents to adjust their circumstances to meet the needs for the child in accordance with agreements reached with the Cleburne County Department of Human Resources, *Ala. Code* §12-15-318(a)(12) (1975)

The Court further specifically finds the following:

- (1) That the aforementioned child is under the age of 18 years;
- (2) Sufficient Service of Process was perfected on the Mother, Danielle Holm who was not present for the TPR trial even though Court records indicate that notice of the hearing was provided at the address she informed the Court she wished to be notified;
- (3) Sufficient Service of Process was perfected on the legal father, Christian Holm, who was not present for the TPR trial even though Court records indicate that notice of the hearing was provided at the address he informed the Court he wished to be notified;
- (4) That **Jon Doe/John Doe, a/k/a Baby Boy Holm** is without a parent or guardian willing or able to provide for his maintenance, support, training, and education;
- (5) That clear and convincing evidence, competent, relevant and material in nature has established that this child is dependent and in need of care and supervision by the state in that their legal and biological parents have abandoned said child and are unable or unwilling to discharge their responsibilities to and for the minor child at this

time and they are unlikely, in the foreseeable future, to be willing or able to provide a fit and stable home for the child;

(6) That the Cleburne County Department of Human Resources has investigated all viable alternatives to termination of parental rights, and the court finds that there exists no other viable alternatives consistent with the best interests of the children, other than termination of parental rights;

(7) That the Cleburne County Department of Human Resources has made all reasonable efforts towards rehabilitation of and reunification with the legal and biological parents, and such efforts have failed;

(8) That the Cleburne County Department of Human Resources has made reasonable efforts to finalize the permanency plan for **Jon Doe/John Doe a/k/a Baby Boy Holm**, which plan is:

(a) Adoption following termination of parental rights.

(9) The Court hereby approves the permanency plan indicated above;

(10) That **Jon Doe/John Doe a/k/a Baby Boy Holm** is in need of protection by the State of Alabama Department of Human Resources and that it is in the said child's best interest for parental rights of the natural and legal parents to be terminated so that **Jon Doe/John Doe a/k/a Baby Boy Holm** can be placed for adoption;

(11) The Department is equipped to care for and has agreed to receive the children upon commitment by final order of this court and to seek adoptive placement;

(12) That guardianship and permanent legal custody of **Jon Doe/John Doe a/k/a Baby Boy Holm** are hereby granted to the State of Alabama Department of Human Resources for permanent placement and adoption;

(13) Upon the entry of a Final Order of Adoption by a Court of competent jurisdiction, the Cleburne County Department of Human Resources shall immediately notify this Court for closure of this case;

(14) That **immediately** upon the entry of this Order, or as soon thereafter as it may be reasonably accomplished, the Cleburne County Department of Human Resources **shall** cause **Jon Doe/John Doe a/k/a Baby Boy Holm** to be named as DHR shall deem in its discretion to be appropriate, and the Department of Human Resources **shall** further cause a birth certificate and social security card and any other identifying information necessary for the child's best interest, to be issued;

Wherefore, having considered such, this Court **ORDERS, ADJUDGES AND DECREES** that all parental rights of Danielle Holm and Christian Holm and any person claiming a parental interest in, for and to **Jon Doe/John Doe a/k/a Baby Boy Holm** are, by my signature below, **forever TERMINATED AND SEVERED**.

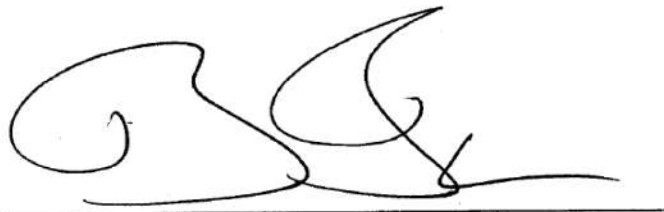
This Court further **ORDERS** that the care, custody and control of **Jon Doe/John Doe a/k/a Baby Boy Holm** is hereby committed to and vested in the State of Alabama Department of Human Resources for permanent placement or adoption. Court costs and Fair Trial Tax fund assessment are hereby remitted.

A copy of this order shall be forwarded to the Department of Human Resources Service Supervisor Leslie Smith, together with her attorneys of record, Jonathan Schlenker and Joshua J. Lane, Assistant Attorneys General; the Mother Danielle Holm; Father, Christian Holm; and the *Guardian ad Litem*, Hon. Allison Miller,

A hearing pursuant to the Adoption and Safe Families Act shall be held on the 24th day of July, 2018 at 9:00 a.m., and at least every six (6) months until the Final Decree of Adoption is received by this Court.

Any party may appeal the decision of this Court by filing a written Notice of Appeal with the Clerk of the Juvenile Court of Cleburne County, Alabama within fourteen (14) days of the date of entry of the Order herein.

DONE and **ORDERED** this 21st day of February, 2018.

A handwritten signature in black ink, appearing to read 'BUD TURNER', written over a horizontal line.

BUD TURNER
Circuit Judge