

New Jersey Division of Child Protection
and Permanency,

Plaintiff,

v.

Shayling Kenworthy

(NJSpirit Participant #: 10481011)

Defendant,

Lee Kenworthy

(NJSpirit Participant #: 10481012)

Defendant,

(NJSpirit Participant #:)

Defendant,

(NJSpirit Participant #:

)

Defendant,

In the Matter of:

Siabella T. Kenworthy

NJSpirit Participant #: 10481015

FC Docket #: FC-15-184-18

Mikailan W. Kenworthy

NJSpirit Participant #: 11516921

FC Docket #: FC-15-183-18

Superior Court of New Jersey

Chancery Division - Family Part

County of Ocean

Docket Number: FN-15-231-18D

NJSpirit Case #: 10072605

**Civil Action
Order**

**Child Protection
Multipurpose Order**

- ☐ Return on the Order to Show Cause
- ☐ Case Management Review
- ☒ Compliance Review
- ☐ Disposition

This matter having been brought before the Court on December 20, 2018, by the Division of Child Protection and Permanency (the Division), Deputy Attorney General Lisa Nemeth, appearing, and in the presence of:

the child Siabella T. and Mikailan W. Kenworthy, ☐ appearing / ☒ not appearing represented by

Law Guardian Maureen McCarthy, ☒ appearing / ☐ not appearing

the child _____, ☐ appearing / ☐ not appearing represented by

Law Guardian _____, ☐ appearing / ☐ not appearing

Defendant Shayling Kenworthy-Deceased ☐ appearing / ☒ not appearing,

☐ noticed / ☒ not noticed, represented by

Attorney _____ ☐ appearing / ☐ not appearing

Defendant Lee Kenworthy ☒ appearing / ☐ not appearing,

☒ noticed / ☐ not noticed, represented by

Attorney W. Timothy Howes ☒ appearing / ☐ not appearing

Division Caseworker/Supervisor Tara Batson/Maureen Gregg ☒ appearing / ☐ not appearing

Division Phone number: 732-908-5900 ext.:

Court Appointed Special Advocate Vale Rebok ☒ appearing / ☐ not appearing

Resource Family member [initials only] _____ ☐ appearing / ☐ not appearing

Resource Family member [initials only] _____ ☐ appearing / ☐ not appearing

Other: _____ ☐ appearing / ☐ not appearing

The Court having reviewed the Division's report, dated December 6, 2018, P-1, in evidence, _____, P-_____, in evidence, _____, P-_____, in evidence, _____, P-_____, in evidence, _____, representations made and testimony given if any, and the Court having determined that the best interest of the child(ren) requires the entry of the within Order; and,

It is on This 20th Day of December, 2018, Ordered That:

A. Custody

- ☒ 1. The children, Siabella Kenworthy and Mikailan Kenworthy, shall continue under the custody, care and supervision of the Division, with placement as deemed appropriate by the Division, with the Division being authorized to consent to routine and emergent medical treatment; and with the Division being authorized to make announced and unannounced visits to the home(s) of the defendants, and to the home of the caretakers of the children;
- ☐ 2. The children, _____, shall continue under the care and supervision of the Division; with the Division being authorized to make announced and unannounced visits to the home of the defendants;
- ☐ 3. Legal custody of the children, _____, shall be
☐ transferred to/ ☐ continued with _____;
- ☒ 4. Physical custody of the children, Siabella Kenworthy and Mikailan Kenworthy, shall be ☐ transferred to/ ☒ continued with family resource care;
- ☐ 5. Physical custody of the child, _____, shall be
☐ transferred to/ ☐ continued with _____;
- ☐ 6. Child, _____, shall remain in residential placement at _____

B. Services - Defendants

- ☐ 1. Defendants shall cooperate with the following services arranged by the Division:
- a. Defendant Lee Kenworthy shall attend evaluation/treatment, as checked below and comply with all recommendations
☒ psychological, ☒ psychiatric evaluation, ☒ substance abuse evaluation/treatment;
- b. Defendant _____ shall attend evaluation/treatment, as checked below and comply with all recommendations
☐ psychological, ☐ psychiatric evaluation, ☐ substance abuse evaluation/treatment;
- c. Defendant _____ shall attend evaluation/treatment, as checked below and comply with all recommendations
☐ psychological, ☐ psychiatric evaluation, ☐ substance abuse evaluation/treatment;
- ☒ 2. Defendants Lee Kenworthy shall submit to random drug/alcohol screenings;
- ☐ 3. Defendant _____ shall attend AA/NA or other approved substance abuse treatment support meetings and provide proof;
- ☐ 4. Defendant _____ shall attend _____ counseling at _____ and comply with recommendations;

- ☐ 5. Defendants shall attend parenting skills training at ;
- ☐ 6. Defendant shall cooperate with:
☐ Family preservation ☐ Parent aide ☐ Homemaker Services
- ☒ 7. Defendant(s) shall sign releases of information insuring the Division access to records and reports of all service providers listed in this order. Reports of all service providers shall be sent directly to the Division.

B. Services - Children

- ☐ 1. Child to be evaluated by ;
- ☐ 2. Children to be treated by ;

C. Visitation

- ☒ 1. Parent 1/Defendant Lee Kenworthy is entitled to the following visitation: ☐ together / ☐ separately

- a. There is a presumption that parent-child visits will be unsupervised. For this/these parent/s, visits will be ☐ unsupervised ☐ supervised ☒ visits suspended until further order.

i. If supervised, factual basis of need for supervision:

ii. If supervised, the visitation supervisor will be:

- ☐ Division approved relative ☐ the resource parent ☐ Division staff
☐ other

Location:

iii. If supervised, other permitted contact:

- ☐ phone/text communication ☐ electronic/social media ☐ child/ren's extracurricular activities
☐ other

iv. If visits suspended, factual basis:

FV-7-3282-18 modified/dismissed to reflect:

Civil restraints prevent parenting time until compliance with this court's prior order of September 27, 2018.

v. Self-Executing Provision

Without further order of the court, visitation will be increased/changed to:

therapeutic visitation to be arranged by the Division (bi-weekly) once Lee Kenworthy is engaged with mental health services including medication monitoring, participates in a substance abuse evaluation and follows all recommendations. The referral will be made to a therapeutic program in Essex County

b. Frequency of visits will be ☐ as arranged with supervisor
☐ times weekly ☐ weekly ☐ every other week
Duration:

c. Visitation ☐ is / ☒ is not contingent upon 24 hour advance confirmation by defendant.

2. Visits for Parent 2/Other Defendants: ☐ Same terms as Defendant/Parent 1 ☐ Other

3. Visits for siblings/relatives:

a. Siblings: ☐ Weekly ☐ Every other week ☐ on a basis.

Visits to be arranged by

b. Relatives: ☐ Weekly ☐ Every other week ☐ on a basis.

Visits to be arranged by

And It Is Further Ordered That:

D. Other

☐ 1. The Division shall arrange a home study/interstate referral regarding to be completed by

☐ 2. Defendant is restrained from all contact with the Child ;

☐ 3. Defendant is restrained from the home of ;

☐ 4. Defendant shall immediately disclose to the Division in writing within _____ days the names and addresses of relatives who may be assessed for placement of the child(ren);

- ☐ 5. Defendant shall notify the Division of any change of address. Upon receipt of change of address, the Division shall notify all counsel and the court within 5 days;
- ☐ 6. Defendant, _____, shall complete paternity testing to determine whether he is the father of the following child:
- ☐ 7. The court has made a determination regarding the federal Indian Child Welfare Act (see attached Supplemental Order).
- ☐ 8. A child support order was entered under Docket # _____

And It Is Further Ordered That:

Mr. Kenworthy shall submit to a substance abuse evaluation and follow recommendations.

Mr. Kenworthy shall comply with aftercare treatment recommendations from Ancora Hospital and attend Preferred Behavioral Health and engage with _____

Until there is compliance with services as indicated above, Mr. Kenworthy's parenting time with the minor children shall remain suspended and there shall be no contact with the resource home.

Mr. Kenworthy shall sign releases for his treatment at New Bridge. Mr. Kenworthy shall attend a psychiatric evaluation if the records from New Bridge cannot be obtained.

In the event Mr. Kenworthy does not sign a release for New Bridge, this order shall serve as a release for said records which shall only be utilized in this action, for purposes of assessing Mr. Kenworthy's parenting capacity.

No records or reports of the Division of Child Protection and Permanency shall be utilized or referenced in any other Court without notice to the Division and the Court making a determination that the records are necessary in accordance with NJSA 9:6-8.10a.

Upon application by the Division, a Protective Order may be issued if the records or reports are released. Additionally, the Division may request that the receiving Court close its courtroom to the anyone not connected to the case.

Lee Kenworthy shall remove from social media all references to the children and status of this case.

The attached proposed Consent Order with civil restraints dated November 9, 2018 out of Essex County and signed by the Honorable Anne Marie Bramnick, J.S.C., Lee Kenworthy and his Counsel, Timothy Howes, which was not entered due to procedural issues only regarding the commencement of FD matters, is incorporated as to the substantive provisions by reference herein. The Court is satisfied based upon the representations of Mr. Howes that Ms. Dwyer, the resource parent herein, and Plaintiff in the domestic violence matter, as well as Mr. Kenworthy, were both voir dired by Judge Bramnick and consented to the substantive provisions referenced. Ms. Dwyer was represented by Counsel before Judge Bramnick.

Defense Counsel for Mr. Kenworthy intends to file a motion for transfer of venue. The motion shall be filed by January 2, 2019. Any opposition shall be filed by January 18, 2019. Any reply shall be filed January 25, 2019. The motion will be decided on February 1, 2019.

☐ Supplemental Order is attached to document required findings for additional children placed out home.

And This Matter Shall Return To Court For

- ☐ Case Management Conference on , 2018, at a.m.
- ☐ Fact Finding on , 2018, at 9:00 a.m.
- ☐ Title 30 Summary Hearing on , 2018, at a.m.
- ☒ Compliance Review on February 1, 2019, at 9:00 a.m.
- ☒ Permanency Hearing on March 26, 2019, at 9:00 a.m.
- ☐ Mediation on , 2018, at a.m.



Robert E. Brenner, J.S.C.

These proceedings are confidential. The disclosure of any records, reports or information is strictly prohibited and subject to the penalties of N.J.S.A. 9:6-8.10b.

All prior orders not inconsistent with this order shall remain in full force and effect.

The failure of the Defendant(s) to comply with any provision of this order or their continuing failure to appear may result in the filing of a complaint by the Division to terminate the Defendant(s)' parental rights to the child(ren) named in this complaint. A Termination of Parental Rights would free the child(ren) for adoption.

Attorneys must review the form of order prior to exiting the courtroom. Failure to do so waives any objections.

NEW JERSEY CRIME VICTIMS' LAW CENTER
CATHERINE M. FANTUZZI, ESQ.
Attorney ID # 041741986
61 SPRING STREET
NEWTON, NEW JERSEY 07860
TEL (732) 832-6818; FAX (973) 383-3903
Attorney for Plaintiff

SHARON DWYER,

Plaintiff

vs.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
ESSEX COUNTY

DOCKET NO: FD-

LEE KENWORTHY,

Defendant

Civil Action

CONSENT ORDER WITH CIVIL RESTRAINTS

THIS MATTER having been opened to the Court by way of consent, Catherine M. Fantuzzi, Esquire, of the New Jersey Crime Victims' Law Center, on behalf of the plaintiff and Timothy Howes, Esquire, on behalf of the Defendant, and having been advised that the parties have reached an agreement with reference to the issues set forth herein and related to the dismissal of the Temporary Restraining Order obtained by Sharon Dwyer under Docket No. FV-07-0032382-18; and good cause appearing for the entry of this Order;

IT IS on this 9th day of November, 2018 ORDERED AND AGREED as follows:

1. The parties hereby agree to enter into civil restraints in connection with the Complaint for Domestic Violence and Temporary Restraining Order filed by Plaintiff Sharon Dwyer against Defendant, Lee Kenworthy. Sharon Dwyer shall voluntarily dismiss the pending Domestic Violence Complaint and

Temporary Restraining Order under Docket No. FV-07-003282-18 without prejudice subject to this Consent Order. The dismissal shall in no way limit plaintiff's right to seek a Temporary Restraining Order or Final Restraining Order in the event of future acts of Domestic Violence or any violation committed by the defendant of any of the terms of the within Consent Order as set forth herein.

2. Each party is hereby restrained, enjoined and prohibited from directly or indirectly harassing, harming, annoying, menacing, inappropriately texting, emailing or posting on social media, threatening, stalking, or threatening to harass or harm the other party.
3. Each party is enjoined, restrained and prohibited from indirectly or directly contacting or causing to contact (written, verbal, electronic or otherwise) in any manner or by any means the other party.
4. The defendant is restrained, enjoined and prohibited from indirectly or directly contacting or causing to contact (written, verbal, electronic or otherwise) in any manner or by any means his step father, Barry Dwyer, his sister, Casey Kenworthy, her fiancé, Nick Annicchiarico, his sister Caitlin and her husband Mark Mohrman and his step sister, Jennifer Dwyer.
5. Both parties are restrained and enjoined from demeaning, insulting, disparaging or degrading the other party or their family members to one another or in the presence of the defendant's children, Siabella and Mikailan or within earshot of the children or through third parties in front of other parties or to other parties.
6. Neither party shall do anything to alienate either child's affections for the other party or their family members, to influence either child's opinions regarding any custody/parenting time issues, or to color either child's attitude toward the other party or their family members.
7. Neither party shall discuss any aspect of this litigation in the presence of or within earshot

of either child in any manner. Both parties shall cooperate in every way to help the children better adjust to the circumstances as they now exist and may exist in the future. The parties shall conduct themselves in a manner that shall be best for the interest, welfare and happiness of the children and neither shall do anything that would adversely affect the morals, health and welfare of the defendant's children.

8. Lee Kenworthy is enjoined and restrained from appearing at or entering upon any place of employment of Sharon Dwyer or threatening to have Plaintiff fired or interfering with her employment in any way.

9. Sharon Dwyer shall continue to have physical custody of defendant's children Siabella and Mikailan Kenworthy and reside with them in her home in Belleville, NJ, in accordance with Ocean County Docket FN-15-231-18-D, NJ Spirit Case # 10072605. Lee Kenworthy is enjoined and restrained from entering the residence or the property located at 484 Belleville Avenue, Belleville, NJ.

10. Lee Kenworthy's visitation is currently suspended by Order of the Court in the above referenced DCP&P matter. Any future contact and/or visitation with his children, whether it be therapeutic or supervised, will be dictated by the Court in Ocean County under docket number FN -15-231-18-D once the defendant has complied with the provisions of the Child Protection Multipurpose Order dated August 14, 2018. Until that time, Lee Kenworthy's visitation will continue to be suspended.

(hearing concluded 9/14/18)

11. Lee Kenworthy is prohibited from contacting his children, directly or indirectly (written, verbal, electronic or otherwise) until further Order of the Ocean County Court pursuant to FN-15-231-18-D

12. Lee Kenworthy shall immediately cease and desist from posting any information on social media regarding his children, the plaintiff Sharon Dwyer or her family members.

13. Lee Kenworthy shall immediately make every reasonable effort to remove previous postings made by him or Samantha Brown regarding his children, Sharon Dwyer and her family members, disparaging, inappropriate or otherwise.

14. Should Lee Kenworthy violate any term of this Consent Order, he is hereby placed on notice by this Consent Order that any violation will be deemed by plaintiff to be alarming or annoying and will be deemed by her to suffer harassment as defined by NJSA 2C:33-4. Defendant is further on notice that plaintiff will rely upon a violation of this Consent Order as a basis to seek the entry of a new TRO and request for a FRO. In addition, should plaintiff file for a Temporary Restraining Order based on a violation of this Consent Order and same is granted, the Court hearing the Temporary Restraining Order shall also hear the predicate acts as set forth in the TRO under docket no.

FV-07-000248-19 as if same were heard nunc pro tunc. The nunc pro tunc provision of this Consent Order shall expire one (1) year after the date of this consent order so long as there have not been any violations by defendant as found by a Court as to same. Assuming no violations, the prior TRO shall be dismissed with prejudice.

15. _____

16. _____

17 Each party desires to enter into this Consent Order at the present time. It is the free, voluntary and informed decision of both parties to resolve disputes arising from the action under Docket

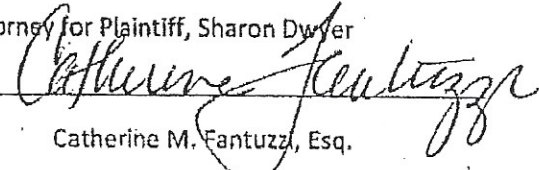
No. FV-07-003282-18 without further litigation, and a trial. Each party accepts this Consent Order as fair, just and reasonable to their respective individual best interests. Each party understands the ramifications of the terms set forth herein.


THE HONORABLE ANNE MARIE BRAMNICK, J.S.C.

We hereby consent to the form and entry of the within Consent Order

Attorney for Plaintiff, Sharon Dwyer

By:

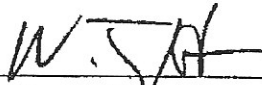

Catherine M. Fantuzzi, Esq.

Dated:

11/9/18

Attorney for Defendant, Lee Kenworthy

By:

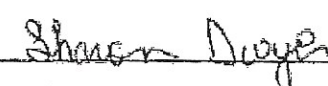

Timothy Howes, Esq.

Dated:

11.9.18

Plaintiff Sharon Dwyer

By:

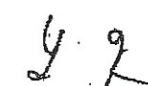


Dated:

11/9/18

Defendant Lee Kenworthy

By:



Dated:

11/9/18