ATTACHMENT NO. 2

[EMERGENCY REMOVAL ORDER]

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No. 2

IN THE INTEREST OF: GRB, dob: 4/9/05
JLB, dob: 2/9/08

ADULT RESPONDENT(S): NJM, mother G and J
IB, father J
LWB, father G

ORDER:
Immediate Temporary Transfer of Custody of Children Previous to Preliminary Hearing
{W.Va. Code §49-6-3(a)}

On May 6, a Petition was filed pursuant to W.Va. Code §49-6-1.

After careful review of the facts set forth in the Petition, the Court FINDS, in the best interest of the children:

1. The present circumstances of the care and custody by the Respondents appear to constitute abuse and/or neglect as defined by W.Va. Code §49-1-3, and these circumstances pose an imminent danger to the physical well-being of the children. (List the specific circumstances and conduct which appear to constitute abuse and/or neglect, identify the custodians who engaged in the conduct, and explain why the circumstances pose an imminent danger to the children's physical well-being.)

On May 2, 2008, two-month-old JB tested positive for cocaine shown by a urine screen administered at Ruby Hospital after his grandmother presented him at the hospital with a history of crying inconsolably for several hours. JB's grandmother, SC, had agreed to take care of JB on May 2, 2008, after her daughter, Respondent NB, requested that her mother take care of the baby because she was stressed out. Part of the reason for Ms. M's stress appears to be an incident earlier on May 2, in which Respondent IB stabbed another individual with a knife over a disagreement concerning an illegal drug transaction between Mr. B and the stabbing victim. When the stabbing occurred Ms. M and the two children were present. Three-year-old GB was able to observe the violent incident.

2. The continued residence of the children in the home and in the care and custody of the Respondents is contrary to the best interest of the children because:

NM has reported to the Petitioner that IB has been physically violent with her in the presence of the children and when she was pregnant with JB. She has been the subject of choking by Mr. B, arm twisting, having her arms slammed in doors, and on one occasion she reports that he pulled her leg so far behind her head that she strained a groin muscle. As recently as April 26 or 27, 2008, Ms. M was choked, dragged through the house and thrown against a wall, resulting in a hair-line fracture to the left orbital bone on her face and a hemotoma which caused blood to pool behind her left eye. During this violence episode three-year-old GB was accidentally pushed off her tricycle and fell to the floor incurring a bruise to her forehead. Although Ms. M's injuries caused her to seek medical attention at Med Express and Monongalia General Hospital, she does not wish to press charges against IB for those injuries. In fact, Ms. M appears to have visited JB in the hospital during the past several days only minimally because she was working to find money to satisfy IB's $100,000.00 bail on the Malicious Assault charge.

NM has told the Petitioner that Mr. B sells opium and other illegal drugs. She stated that she does not directly condone these transactions but that Mr. B sells drugs to make ends meet.

Due to the going domestic violence in the presence of and with collateral effects upon one or both of the children, and the ongoing use of illegal substances that has resulted in a positive urine screen for cocaine for two-month old JB, there is reason to believe that the physical health and welfare of the children must be protected by their immediate transfer to the custody of the West Virginia DHHR for the Department's consideration of placement of the children with suitable and safe relatives.

(Initial the appropriate FINDING:)

_____ The Department of Health and Human Resources has made a reasonable effort to avoid removing the children from the home.

_____ The danger presented by the children's present circumstances creates an emergency situation which had made efforts to avoid removing the children from the home unreasonable or impossible.

3. There are no reasonable, available, and less drastic alternatives to removing the child from the custody of the Respondents.

ACCORDINGLY, THIS COURT ORDERS:

Upon service of this ORDER on the Respondents, custody of GRB and JLB, the children named here shall be IMMEDIATELY transferred to the Department of Health and Human Resources.

1. The attorney named here, _____, is appointed to represent the children.

2. The attorney named here, _____, is appointed to represent the Respondent named here, NJM. Attorney's address and telephone number:

3. The attorney named here, _____, is appointed to represent the Respondent named here, IB. Attorney's address and telephone number:

4. The Department of Health and Human Resources is hereby authorized to give written consent for any medical, dental, psychiatric, or psychological care required for the children's welfare and is authorized to consent to and arrange for the children's participation in such educational and cultural activities as required for the children's welfare.

5. A preliminary hearing will be held before this Court on May 15, 2008, at 1:00 p.m.

The Clerk shall enter this ORDER immediately and provide a copy to the Petitioner. The Clerk shall also immediately transmit an attested copy to the Department of Health and Human Resources, to the counsel for the parties, and to the Prosecuting Attorney.

_____ _____

DATE JUDGE