**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT**  
**IN AND FOR BREVARD COUNTY, FLORIDA**  
**JUVENILE DEPENDENCY DIVISION**

**CASE NO. 05-2024-DP-0587-XXDP-BC**

**IN THE INTEREST OF:  
Amani Buchanan (DOB: 09/03/2021)  
Jasmine Nedab (DOB: 04/20/2019)  
Christian Nedab (DOB: 03/10/2016)  
Addyson Hale (DOB: 09/05/2012)  
Lyllian Varney (DOB: 11/04/2010)  
Minor Children /**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

### **EMERGENCY MOTION TO DISMISS PETITIONS FOR TERMINATION OF PARENTAL RIGHTS**

**COMES NOW** the Mother, Christina Varney, su juris, acting in her own capacity, and pursuant to her fundamental rights under the United States Constitution and the Florida Rules of Juvenile Procedure, hereby respectfully moves this Honorable Court to immediately dismiss the Petitions for Termination of Parental Rights (TPR) that were filed separately by the Department of Children and Families (DCF), through case manager Heather Thomas, and by the Guardian ad Litem Program, through Adele Gerland, Child Advocate Manager Supervisor. In support of this motion, the Mother states as follows:

### **I. INTRODUCTION**

1. This Emergency Motion seeks dismissal of both pending Petitions for Termination of Parental Rights on the basis that the petitions are legally insufficient, constitutionally defective, procedurally flawed, and unsupported by any credible, admissible, or substantial evidence as required by Florida law. The Mother asserts that the petitions fail to allege any valid statutory ground for termination under § 39.806, Fla. Stat., and further violate her due process, equal protection, and parental rights under both the Florida and U.S. Constitutions, including the First, Fourth, Fifth, Ninth, and Fourteenth Amendments.
2. Additionally, both petitions contradict each other materially and irreconcilably. They are filled with vague and conclusory allegations, rely on inaccurate and unverified representations of prior events, and disregard the Mother’s documented compliance with her case plan, the express goal of reunification ordered by the Court, and the substantial support of licensed professionals, service providers, and foster parents. This Court must not allow speculative or unsubstantiated accusations to be used as a basis for the extreme remedy of parental rights termination.
3. The petitions were served improperly, including one instance where the TPR petition was electronically served on the very day of the July 1, 2025 hearing. This violates § 39.801, Fla. Stat., and denies due process under Rule 8.225.
4. The Court is therefore respectfully urged to dismiss both petitions in their entirety, strike unsupported allegations, and enforce the family preservation goals as defined in Chapter 39, Florida Statutes.

### **II. STATEMENT OF FACTS**

1. The Mother has demonstrated substantial and continuous compliance with her court-ordered case plan, as reflected in FSFN chronos and provider records submitted from February through June 2025. She has successfully completed multiple services, including individualized parenting courses, mental health counseling, and engagement with the designated therapeutic supervised visitation (TSV) provider, Delight.
2. Despite her compliance, the implementation of TSV was obstructed not by the Mother but by repeated failures on the part of DCF and the GAL to issue appropriate referrals. Delight, the provider who previously agreed to supervise the TSV sessions, confirmed that she never received the required referral documents necessary to begin sessions, even though Heather Thomas had already informed the foster parents and the Mother that visitation was scheduled to begin the week of May 15, 2025.
3. In direct contradiction, GAL Adele Gerland later falsely testified that no such agreement with Delight existed and implied that the delay was due to the Mother’s inaction. This misrepresentation was not only demonstrably false but damaging to the Mother’s credibility and misleading to the Court.
4. On January 18, 2024, during a crisis involving the oldest daughter, Lyllian Varney, the Mother contacted the Mobile Response Team (MRT) as instructed by Brevard CARES and DCF policy. She acted appropriately and within protocol. MRT records confirm the child was stable upon assessment, not intoxicated, and not in immediate danger. Nonetheless, the GAL distorted this event and falsely characterized it as medical neglect, even though emergency room reports and MRT documents show otherwise.
5. The children’s placement history has included numerous traumatic, negligent, or unsafe homes. These include:
   * **Kimberly Thomas’s Home (Jan–Feb 2024)**: Children were locked outside without food or water. Kimberly failed a drug screen (benzodiazepines and alcohol) the night of removal.
   * **Terry Buchanan’s Home (Feb–Apr 2024)**: Placement of two siblings in a home with a known family trauma history.
   * **Amani Buchanan with Trisher Felder (Feb–Apr 2024)**: Youngest child separated from siblings, displaying emotional regression.
   * **Christian and Jasmine Nedab with Christopher Nedab (Feb 2024–present)**: Despite paternity disputes and known sex offender status, DCF placed children with Christopher without proper investigation.
   * **Lyllian’s Group Home Placements**: Moved multiple times, subjected to emotional trauma, sexually assaulted, and became pregnant and miscarried while in DCF care.
6. No expert, therapist, MRT clinician, or physician has submitted an affidavit supporting termination of parental rights. The only documents submitted by DCF and GAL are unsworn summaries and narrative-style reports lacking firsthand verification.
7. The Court entered an order on July 1, 2025 reaffirming the goal of reunification. The TPR filings by both DCF and GAL directly contradict this judicial directive.
8. The Mother has not been provided full discovery as required under Rule 8.245(a). FSFN logs, medical records, provider communications, and caseworker notes remain inaccessible to the Mother despite repeated requests.

**6A. Contradiction Evidence Summary:**  
- FSFN chronos confirm service completion; DCF and GAL claim otherwise without citing sources.  
- Delight verified visitation readiness pending referral; GAL denied any agreement existed.  
- MRT records show Lyllian stable and supervised on Jan 18, 2024; GAL misrepresented it as neglect.  
- Court ordered reunification as of July 1, 2025; TPR petitions contradict the standing court order.  
- No expert or professional submitted supporting affidavit recommending TPR.  
- GAL and DCF failed to act on internal hotline reports (e.g., Nancy Polanco’s SA report re: Jasmine). - GAL omitted foster parent testimony (Levy family) in support of reunification. - Mother not served timely or properly with the TPR petition (served via e-service day of hearing). - Children’s placements violated § 39.4021 (sibling separation), § 39.509 (visitation), § 39.6011 (case plan).