THE FAMILY COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES/Division of Family Services ("DSCYF/DFS"), Petitioner,	)	**FILE NO.: CN20-04098** **PETITION NO.: 25-26287**
v.	)	
S----- B------- AND V----- T-----, Respondents.	)	

IN THE INTEREST OF:
A----- T----- (D.O.B. -/--/2020)

CASE HISTORY:
***Ex Parte* Order: 11/25/2025**
PPH Order: 12/03/2025
Adjudicatory Order: 1/12/2026
Dispositional Order: 2/11/2026
Review Hearing: 06/02/2026

PRESENT FOR THE HEARING:
Cynthia Emesibe, Esq., DAG DSCYF
Natalie Smith, DSCYF
Jeanna Wolf, Merakey
Phillip Renzulli, Esq., Mother's Attorney
S----- B-------, Mother
V----- T-----, Father
R------ G---, Resource Caregiver
Renee Duval, Esq., Child Attorney
Kim Purnell, CASA
Jennifer Falkowski, CASA Coordinator
Laura Carll, Foster Care Coordinator

REVIEW HEARING ORDER

The Court held a Review Hearing on September 8, 2026, in the interest of A----- T----- (D.O.B. -/--/2020). S----- B------- ("Mother") appeared and was initially represented by Phillip Renzulli, Esq., but he was subsequently discharged based upon the discussion below. V----- T----- ("Father") also appeared, self-represented.[1] The Court heard testimony from Dr. Rachel Brandenburg, DSCYF/DFS Case Worker Natalie Smith, and

[1] Although the Court instructed Father to either engage in a colloquy to assess his eligibility for a court-appointed attorney during the previous hearing or fill out an affidavit of indigency to determine his eligibility for court appointment, he declined to do either option.

Family Time Supervisor Jeanna Wolf. A-----'s resource caregiver also provided a brief update.

PRELIMINARY ISSUES

Before addressing the Court's dependency findings, the Court addresses two motions:

Withdrawal of Counsel

First, Phillip Renzulli, Esq., requested to withdraw as Mother's counsel based on a breakdown in the attorney-client relationship. Mother confirmed she wished for Mr. Renzulli to withdraw so she could represent herself. Because she declined to have Mr. Renzulli remain as standby counsel, the Court **GRANTED** his request to withdraw. The important constitutional and due process rights at stake, however, merit appointment of new counsel for Mother.[2] Consequently, the Court declined to have Mother present testimony during the review hearing in order to protect her constitutional rights without legal representation. Should Mother wish to completely waive her right to counsel at the Permanency Hearing, or any subsequent hearing thereafter, the Court will engage in a colloquy with Mother to determine whether she "knowingly waives or forfeits the right to such assistance" with the understanding that the Court will advise Mother of the dangers of representing herself.[3]

Social Media Restriction

Second, A-----'s child attorney filed a Motion to Restrict Public Postings, which both DSCYF/DFS and Father support. Mother opposes removing the existing posts and does not wish to be constrained from doing so in the future. For the reasons below, the Court **GRANTS** the child attorney's Motion.

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[2] *See Moore v. Hall*, 62 A.3d 1203, 1211-12 (Del. 2013).
[3] *Id.* The Court notes that standby counsel is "not an acceptable alternative to a knowing and intelligent waiver of an indigent parent's right to representation..." *See Snyder v. Dep't of Servs. for Child., Youth & Their Fams.,* 253 A.3d 536 (Del. Table 2021) citing *Moore*, 1212.

The First Amendment and the Delaware Constitution generally disfavor restraints on speech. Any regulation of speech that "discriminate[s] based on 'the topic discussed or the idea or message expressed'" is subject to strict scrutiny, and must be narrowly tailored to serve a compelling government interest.[4] "A prior restraint occurs when government suppresses speech based on its content *before* the speech is uttered."[5] A content-based prior restraint, therefore, faces an even "heav[ier] presumption against its constitutional validity."[6] Such a restraint must not only be narrowly tailored, but also address harm that is both "grave" and "all but certain" to occur, and cannot be prevented by less restrictive means.[7] Here, the child attorney's request is limited to the harmful social media posts and potential for future damage from disseminating information pertaining to A----- and her dependency case. Along with the Motion, the child attorney submitted exhibits of Mother's posts concerning A-----'s health records, information about A-----'s resource family, and details of the resource family's vacation on social media. The posts also include medical records from 2022, posts involving unsubstantiated allegations of child abuse, and the names and details of the resource family's children.

Although the Court declines to issue a blanket prohibition on Mother's social media use, the Court must balance her First Amendment right against A-----'s best interests and right to privacy.[8] Indisputably, Mother has a right to post on social media and criticize state agencies generally. Equally, the Court has a duty to protect A----- as a dependent

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[4] *City of Austin v. Reagan Nat'l Advert. of Austin, LLC*, 596 U.S. 61, 73–74 (2022) (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 171 (2015)). Importantly, courts have recognized that social media is "a twenty-first century quintessential public forum" subject to the full protections of the First Amendment. *People v. Galley*, 172 N.E.3d 600, 606 (Ill. App. Ct. 2021) (citing *Packingham v. North Carolina*, 582 U.S. 98, 105 (2017); *accord State v. R.K.*, 232 A.3d 487, 498 n.9 (N.J. Super. Ct. App. Div. 2020).

[5] *Wutzel-Frez v. Frez*, No. HHDFA144072788S, 2015 WL 6557830, at *6 (Conn. Super. Ct. Oct. 1, 2015) (citing *In re G. & A. Books, Inc.*, 770 F.2d 288, 296 (2d Cir. 1985)); *accord CapStack*, 2018 WL 3949274 at *3 n.40 (Del. Ch. Aug. 16, 2018) (citing *Alexander v. United States*, 509 U.S. 544, 550 (1993)).

[6] See In re *M.R.*, 2026 WL 747062 at *3 (quoting *Shak v. Shak*, 133 N.E.3d 274, 278 (Mass. 2020)).

[7] *Id.* (citing *Neb. Press Ass'n v. Stuart*, 427 U.S. 539, 562 (1976)); *see also Stephanie L.*, 602 N.Y.S.2d at 81–82 ("there must be reasonable ground to fear that serious evil will [imminently] result if free speech is practiced") (quoting *Whitney v. California*, 274 U.S. 357, 376 (1927) (Brandeis, J., concurring)); *In re T.T.*, 779 N.W.2d 602, 615 (Neb. Ct. App. 2009) (only "proof that publication must inevitably, directly, and immediately cause the occurrence of the danger identified can support . . . the issuance of an interim restraining order") (quoting *New York Times Co. v. United States*, 403 U.S. 713, 726–27 (1971) (Brennan, J., concurring)). *See also, McCullen v. Coakley*, 573 U.S. 464, 477 (2014); *United States v. O'Brien*, 391 U.S. 367, 377 (1968).

[8] 13 *Del. C*. § 722 (a); 13 *Del. C*. § 2522 (a) (11).

child in DSCYF/DFS custody.[9] Viewed against this backdrop, Mother's First Amendment right must yield to her child's best interests here.[10] Mother's social media posts pertaining to A-----'s medical care, details related to her foster placement, and information about the resource family cause direct and substantial harm to A-----. They reveal confidential medical records and other personal information in a very public forum. Not only does the Court deem these types of posts grave to A-----'s well-being because she could see this damaging information directly, but other individuals in A-----'s community—who should not necessarily be privy to such confidential information—also have public access to it. Consequently, Mother has undermined A-----'s right to confidentiality and best interests, and she will continue to do so without a narrowly tailored restriction to her social media.

Accordingly, Mother is ordered to remove or delete **any and all** existing posts that pertain to A-----'s health, private information, foster care placement, or resource family within **twenty-four (24) hours of this Order**. Furthermore, Mother is prospectively enjoined from posting, disclosing, or disseminating information related to A-----'s dependency case, medical or mental health records, resource family, or foster care placement on *any* social media or news media sites. Failure to remove the posts or any act to disseminate new social media posts/messages in violation of this Order will be grounds for contempt. This limited injunction serves a compelling governmental interest in protecting A----- and applies to both public and private posts, comments, messages, stories, reports, or links on social media. Furthermore, the Court will construe any noncompliance as Mother acting to the detriment of A-----'s best interests.

EVIDENTIARY FINDINGS

Based upon the evidence presented, the Court makes the following findings of fact and conclusions of law:

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[9] *See* 10 *Del. C*. §901 (8) and 13 *Del. C*. § 2522 (a).
[10] *See Hunt v. Div. of Fam. Servs*., 146 A.3d 1051, 1067 (Del. 2015) *citing In re K.I.,* 735 A.2d 448 at 454 (D.C. 1999 *(quoting Davis v. Jurney*, 145 A.2d 846, 849 (D.C. 1958)): "'The paramount concern is the child's welfare and all other considerations, including the rights of a parent to a child, must yield to its best interests and well being.'"

1. By a preponderance of the evidence presented at the hearing, the Court finds A----- remains:

☒ dependent as defined by 10 *Del. C.* § 901(8)

☐ neglected as defined by 10 *Del. C.* § 901(18)

☐ abused as defined by 10 *Del. C.* § 901(1)

Because: Father has not engaged in any services nor visited with A----- since the last hearing. He also has pending criminal charges.

Mother has previously had her parental rights terminated in 2014 to another child and A----- was in foster care from 2020 to 2022. In addition, Mother has demonstrated instability with housing, employment, and her mental health. During the instant hearing, Dr. Rachel Brandenburg testified that she completed an evaluation of Mother on December 18, 2025, and issued a report on February 13, 2026.[11] After reviewing a social summary, court orders, a New Behavioral Network intake, emails, and conducting an MMPI-3, Dr. Brandenburg diagnosed Mother with ADHD combined type and Other Specified Anxiety Disorder. Dr. Brandenburg opined that Mother lacks insight and feels "persecutorial ideations," which leads Mother to interpret interactions in an adversarial manner.[12] During the evaluation, Mother presented as hyper-focused, hypomanic, and had obsessive thinking. These characteristics may translate into Mother coming across as adversarial and suspicious, which may affect her children's outcomes. Mother demonstrated difficulty listening, staying on topic, and collaboratively problem-solving. Dr. Brandenburg testified that even after Mother took her ADHD medication during the evaluation, she did not discern a difference concerning Mother's ability to focus. Consequently, this psychological profile could affect Mother's ability to parent because it may be difficult for her to secure necessary resources and maintain relationships.

[11] DFS Exhibit #1.
[12] *Id.*

Because Dr. Brandenburg cautioned that her evaluation was based on limited time with Mother, Mother would benefit from an individual therapist who could help determine a diagnosis and consider Mother's level of insight over time, especially because Mother has difficulty coping and staying organized. In addition, Mother would benefit from seeing a psychiatrist for medication management. Lastly, Dr. Brandenburg dismissed Mother's use of ChatGPT as an effective form of therapy because using ChatGPT is "by definition" not therapy.[13] Instead, it is a form of self-help. ChatGPT is not reality tested, it is generalized to a large population, and it does not replace therapy.

2. **Contrary to the Welfare:** Residence in the home would be contrary to A-----'s welfare, and it is in her best interest to remain in the custody of DSCYF/DFS.

3. **Reasonable Efforts**: DSCYF/DFS has made reasonable efforts to the extent required to finalize the permanency plan in effect, which in this case remains reunification.

   DFS Case Worker Natalie Smith testified that she has had no contact with Father since the previous hearing. She arranged a case planning meeting for June 29, 2026, but Father did not appear despite confirming the appointment. Notwithstanding Ms. Smith's repeated attempts to contact Father on July 15, August 3, and August 15, 2026, he has not arranged a meeting nor reviewed the draft case plan for reunification.

   Because DSCYF/DFS is excused from exercising reasonable efforts to case plan for reunification with Mother, Ms. Smith has had limited interactions with her. She is involved with a group chat between Mother, the resource caregivers, and the foster care placement coordinator. Mother is very active on the chat, often lobbing insulting and unsettling messages toward the foster parents and DFS. In one recent message, she called the resource parents "psychotic." In another, Mother

[13] September 8, 2026 Hearing, Dr. Brandenburg's testimony at 2:58 p.m.

made a thinly veiled threat. Mother also posts screenshots of these chats on her social media accounts, which are equally concerning. Although Mother requested a meeting, DFS encouraged any meeting to include Mother's attorney because of the recent negative interactions. Last weekend, Mother requested DFS and the police conduct a welfare check on A----- based on allegations of abuse from 2022 involving the resource family, which were unsubstantiated by DFS years ago. Nonetheless, the team plans to have a meeting with Mother next week.

Although Father is encouraged to case plan and Mother may exert her own efforts toward reunification, the Court finds that neither parent has made significant progress toward alleviating or mitigating the causes necessitating A-----'s placement in foster care.

4. **Current Placement:** A----- is thriving in her placement with the resource family and there are no concerns. She had a fun time on a two-week summer vacation with them. In accordance with 13 *Del. C.* §§ 2514(3) and 2521(6), the Court finds that A-----'s caregivers are exercising the reasonable and prudent parent standard, and that A----- has regular, ongoing opportunities to engage in age-appropriate activities.

5. **Education**: A----- attends 1st grade at O-- S----- Elementary School. She does not have an IEP and no concerns have been noted.

6. **Health:** A----- is healthy. Her last physical was on August 28, 2026, which Ms. Smith, the resource parent, and Mother attended. The pediatrician pulled the resource parent aside to address an issue, but neither Mother nor Ms. Smith were privy to the discussion. During the appointment, Mother began discussing the dependency case and complaining about her attorney in front of A-----, which was concerning to DSCYF/DFS.

Regarding dental care, A-----'s next checkup is on October 15, 2026, but no concerns were noted. In terms of mental health, A----- successfully completed PCIT and was discharged from Prevention and Behavioral Health on July 27, 2026. There has been no update on another autism evaluation at the Swank Autism Center, even though the first evaluation was inconclusive. However, the resource caregiver noted there have been no concerns for autism in their home nor at school.

7. **Family Time:** As noted above, Father has not had any visits because he has not engaged in case planning.

   Mother has had 19 visits with A----- (amounting to 49 hours). Over the summer, Mother's visits extended to three to four hours twice a week starting on July 15, 2026. The visits occur in a variety of settings, including the library, zoo, mall, main event, or the park. There have been no home visits, and all the visits are monitored with Ms. Wolf checking in every twenty to thirty minutes.

   For the most part, Ms. Wolf testified that A----- has been excited about visits with Mother. At times, A----- hesitated to leave the resource family's home because she was engaged in activities with the other children in the home; however, once the visit started, A----- would fully engage. Mother, for her part, has been attentive to A-----. She has cooked meals, brought gifts, and led interactive activities.

   Although Ms. Wolf testified that Mother is warm, affectionate, and works hard to listen to A----- to make her feel special, she opined that the four-hour visits are often too long for A-----'s stamina. Another concern is that Mother continues to discuss inappropriate topics either directly with A----- or in her presence. On one visit, Mother asked A----- if she wanted to visit Father and pursued the conversation in a way that seemed to be "baiting" A-----. In another visit, Mother was upset about A-----'s planned two-week vacation with the resource family. Mother expressed her displeasure in front of A----- that her parental rights were not being honored. After

the vacation, A----- happily talked to Ms. Wolf about the vacation, but she declined to talk to Mother about it because she did not want to upset Mother. In another instance, Mother showed A----- pictures and quizzed her to see if she remembered what life was like when A----- was in Mother's care in a way that extended inappropriately beyond reminiscing.

At the most recent visit, A----- called the resource family's children her "brothers" and "sisters." Mother has expressed they are not A-----'s family, and she should not call them Mom, Dad, Brother, or Sister. In those instances, A----- tries to refocus Mother on other topics to avoid upsetting her. It takes Mother a little while to recognize A-----'s reaction, but Mother eventually stops.

Even though A----- is thriving with her resource family, Ms. Wolf expressed concern that Mother does not see how beneficial it is for A----- to feel like she is part of that family too. As a result, A----- becomes nervous that she might say something wrong to Mother about her life outside of visits with Mother. A----- also feels pressured not to disappoint Mother because she wants to please her.

Ms. Wolf indicated an additional concern for Mother's financial ability because she does not always have funds to cover her expenses or she cannot access her checking account. Ms. Wolf has provided bus passes to Mother to help with transportation in order to cut down on travel time for A-----. Based on her supervision of family time, Ms. Wolf recommended that during the school year the visits be shortened to 1.5 hours, twice per week. That would allow for quality time without too much travel to make A-----'s day longer and more exhausting. However, Mother relayed that it was unfair for her to have reduced family time or have to accommodate A-----'s travel time.[14] She also felt it was not appropriate for A----- to spend her birthday with the resource family instead of her.

[14] September 8, 2026 Hearing, Mother's cross-examination question/comment at 3:23 p.m.

In terms of sibling contact, the resource caregivers have facilitated FaceTime calls between A-----, K----, and L-----.

IT IS ORDERED THAT:

A. Mother shall immediately **REMOVE** or **DELETE** her social media posts pertaining to A-----'s physical or mental health, dependency case, foster family, and foster placement. She is further **ENJOINED** from directly or indirectly posting about such topics until further order from the Court because it is in A-----'s best interest to protect confidential information regarding her health and status in foster care. Noncompliance will result in Court-imposed sanctions.

B. Physical or constructive removal of A----- T----- from Mother and Father shall continue, and custody shall remain with DSCYF/DFS until further order of the Court.

C. DSCYF/DFS shall continue to attempt to meet with Father regarding his case plan.

D. Mother shall be appointed new counsel. If Father wishes to have counsel appointed, he shall fill out the affidavit of indigency to determine eligibility.

E. Visitation with Mother and Father shall continue to be at the discretion of DSCYF/DFS based on A-----'s best interests.

F. DSCYF/DFS and the Child Team shall meet and confer regarding the current permanency plan before the Permanency Hearing based on the parents' lack of progress and the length of time A----- has been in DSCYF/DFS custody.

G. **An IN-PERSON PERMANENCY HEARING** is set for **November 16, 2026, starting at 1:00 p.m. for 3.5 hours. <u>This shall be the only notice the parties receive of the hearing.</u>**

IT IS SO ORDERED.

_____ **___/ *Eliza M. Hirst* /_____**
Date Written Order Issued: **ELIZA M. HIRST, Judge**
EMH

cc: File, Parties, Counsel
Date mailed/e-mailed: