

# JUDICIAL DECISION-MAKING & SCIENCE-BASED INQUIRY IN JUVENILE COURT CHILD ABUSE & NEGLECT CASES

## *In re Lori Green and Bobby Green -- A Hypothetical Case*

### **SHELTER HEARING**

Bobby (3 years old) and Lori (8 years old) were taken into protective custody by a DHS caseworker and a police officer 8 hours after their mother (Misty Green) left them with a neighbor, saying she could no longer care for them. The neighbor told DHS that, when the mother brought the children to the neighbor's, the mother was "ranting" and did not say when she'd be back for the children. The officer and the DHS caseworker found the mother in the home where she and the children had been living. The mother appeared to be under the influence of something and reported that, if tested, she would test positive for methamphetamine. The caseworker observed that the family's house "was below community standards" – there were piles of laundry all over, garbage cans overflowing, animal feces on the kitchen floor and elsewhere and what little food there was in the refrigerator was "moldy." Lori told the officer that her mother "slept all day most days" and that she thought the home had been "in this shape" for "about two weeks." The case worker noted that Bobby spoke very few words and that the clothes he was wearing were "very soiled and stained and smelled strongly of urine." When the children were taken into protective custody, their legal father (Rick Green) was incarcerated at OSP and was scheduled for release in 15 months.

At the shelter hearing held the day after the children were taken into protective custody, DHS presents the above information in a "shelter report," which you admit as an exhibit. The mother is present at the shelter hearing, and Rick Green participates in the hearing by telephone. Neither parent has counsel because there is no procedure in place in your county for appointment of counsel at the time of a shelter hearing. DHS seeks an order placing the children in shelter care, pending adjudication of a jurisdictional petition filed that same day.

***What inquiries do you make? What is your decision and why?***

## **JURISDICTIONAL HEARING**

Rick Green is the legal and biological father of Lori. After the shelter hearing, the mother identified Mark Johnson as Bobby's biological father and reported that Mark Johnson had left the home when Bobby was a year old. Paternity for Bobby has not been established.

The jurisdictional petition filed on the day of the shelter hearing included allegations about the mother and Rick Green, based on their circumstances as reported by DHS to the court at that time. The petition did not include any allegations about Mark Johnson.

At the hearing to adjudicate the petition, Rick Green (appearing by phone and with counsel) admits that both children are within the jurisdiction of the court for the reasons stated in the allegation in the petition concerning him: *"The father is incarcerated and is unavailable to parent, and his history of criminal conduct presents a threat of harm to the children."* The mother, who also is represented by counsel, admits the following jurisdictional allegation: *"The mother's use of methamphetamine has prevented her from providing minimally adequate care for the children, and she requires appropriate treatment to maintain her sobriety."* She denies the other jurisdictional allegation -- *i.e.*, that the children are within the juvenile court's jurisdiction because the mother has failed to provide the children with safe and sanitary shelter and failed to provide them with adequate food -- and you hold a brief hearing to adjudicate that allegation. The State offers the same evidence presented at the shelter hearing.

***What inquiries do you make? What is your decision and why?***

## **DISPOSITION HEARING**

The disposition hearing is held immediately after the court finds the children to be within the court's jurisdiction. At the hearing, the case worker testified that, when the mother visited the children two days earlier, Bobby "looked down and away" when she tried to speak to him, and Lori was "very angry with her." DHS submits its case plan -- the current permanency plan is return to parent, and the concurrent plan is adoption. DHS recommends that the court commit the children to DHS for placement in foster care and that the court order the following:

- (1) that the mother successfully complete a drug/alcohol treatment evaluation with an approved DHS/CWP resource, comply with any recommended treatment and sign a release of information; submit to UA's as requested by DHS/CWP or any treatment provider; submit to a psychological evaluation, *if requested*, and complete all recommended services; complete

parent training; and maintain safe and stable housing

(2) that the father, Rick Green, participate in such services as are available to him while incarcerated

(3) that visitation between the mother and children be one hour for week, supervised in the DHS office

(4) that a review hearing be held 4 months from now and the permanency hearing be held 12 months from now

***What inquiries do you make? What is your decision and why?***

## **4-MONTH REVIEW HEARING**

**The following evidence is presented to the court at the 4-month review hearing:**

(1) **DHS** has referred the mother for a drug/alcohol assessment, drug/alcohol treatment, UA's, parenting classes and for a psychological evaluation. DHS put an "action agreement" in place and implemented the visitation plan. DHS initiated a search to locate **Mark Johnson (the putative biological father of Bobby)** – his current whereabouts are unknown.

(2) **The mother** participated in a psychological evaluation, during which she reported a long history of substance abuse, beginning when she was 13, and reported having been physically and verbally abused by previous partners. She was diagnosed with Depression, possibly a result of PTSD. The psychologist recommended substance abuse treatment, mental health treatment and participation in a domestic violence support group and concluded that her prognosis for being able to safely parent was "fair."

(3) **The mother** missed several drug/alcohol assessments. Last month, she completed the assessment and, two weeks later, started intensive outpatient treatment and moved into a recovery house. She says that she has maintained sobriety for three months. Four of her UA's have been clean; she has failed to submit two requested UA's, one of which was two weeks ago. She told DHS that she missed them because she was sick. She has struggled to attend parenting classes regularly. She is having one- hour weekly, supervised visits with the children and would like more visit time.

(4) **The father, Rex Green**, is participating in OSP's drug/alcohol treatment program, a parenting program, and a "thinking errors" program. He is recording books to be played for the children, and he sends them letters and cards, which are (according to DHS) appropriate. He would

like visits and expects to be released in 11 months.

(5) **The children** continue to live together in their original foster placement, where three other foster children are placed. Mental health assessments were completed for both children, and they were diagnosed with "Adjustment Disorder." The children have had current medical and physical exams and their immunizations are up to date. **Lori** (age 8) is not adjusting to foster care. She initially "displayed sexually inappropriate behavior" and has had trouble focusing in school and in the foster home. She appears to be "extremely parentified" and worries about her brother. She takes two psychotropic medications prescribed for her behavior and anxiety. Her mental health counselor reports that she misses her mother, has "unresolved issues with both parents" and "would do better" in a different foster home where she and Bobby are the only children. The counselor is moving to California next month and, because her office "has so many cses," thinks that "it could take as long as 90 days to get **Lori** in to see a new counselor." **Bobby** (age 3) had "some difficulties" when he first was placed in foster care, but he "is now doing well." He was evaluated by early intervention services and found to be "somewhat behind, developmentally." He is on a waiting list for Headstart.

***What inquiries do you make? What should DHS and the parents be required to do during the 2-4 months? What about the children?***

## **CRB 6-MONTH REVIEW**

The CRB reviewed the case at the 6-month mark and recommended that the children continue in foster care, that DHS find a new counselor for Lori as soon as possible and that the court consider holding a permanency hearing sooner than 6 months from now.

## **PERMANENCY HEARING**

***When do you hold the permanency hearing? At the hearing what inquiries do you make?***