

THE SCENARIO PART ONE



Investigation, Petition and Shelter Hearing

DHS Caseworker Dan Roberts responds to the hospital because of concerns expressed by hospital staff to the Child Abuse Hotline about the welfare of a newborn infant, Lilly, born to a young mother, Shanelle. Mother tested positive for THC at the baby's birth and is behaving in ways that give staff concerns about her mental health. DHS learns that there is no legal father of the child. Mother is unsure of the biological father's identity. Mother has no Native American heritage.

Roberts learns that Shanelle has a child welfare history with her first child, Adrian. A termination of parental rights petition has been filed as to Adrian, who was removed from mother at age 2 because of abuse and neglect.

Adrian's case record reveals that for several years prior to Adrian's birth, mother had a severe chemical dependency problem involving alcohol and Methamphetamine. Mother drank heavily during her pregnancy. Adrian was born drug-affected and was later diagnosed with Fetal Alcohol Syndrome. Mother neglected and physically abused Adrian, and frequently left him alone in her apartment in order to use Meth and alcohol. Mother was seen yelling at Adrian and striking him when he cried, injuring him. Adrian was taken into protective custody when mother was found in a Meth-induced psychosis. Adrian has many special needs and is placed in a specialized, highly-skilled foster home. Mother did not engage in services or work with DHS in Adrian's case.

Roberts learns that the mother had a number of adverse childhood experiences ("ACEs"). She was exposed to chronic and serious domestic violence in her family home, her parents both had significant chemical dependency issues, and she was sexually abused by her adult brother when very young.

After the TPR petition was filed as to Adrian, mother resurfaced. While she did not participate in Adrian's case, she checked herself into a detox center and then entered a faith-based women's shelter called Lighthouse of the Spirit Shelter. While not a certified residential substance abuse treatment program, mother gets some sobriety support services at Lighthouse of the Spirit Shelter as well as counseling to address her history of life instability and involvement with abusive men. She is able to remain there only as long as she has her child in her care.

At the time of Lilly's birth, mother reported having lived at the shelter for five months. She had had one serious relapse on alcohol approximately two months into her time there, resulting in her hospitalization. She reports being clean and sober from alcohol and Meth since that time (for three months), but says she still occasionally smokes marijuana.

In her interactions with Caseworker Roberts at the hospital, mother is hostile. She's angry at hospital staff for calling the Hotline and is upset that DHS is investigating given her current stability in Lighthouse of the Spirit Shelter. She appears scattered, disoriented, and unable to absorb and retain information.

While DHS is investigating, Mother and Lilly are discharged from the hospital and return to Lighthouse of the Spirit Shelter. Mother appears bonded to Lilly, is interacting with her in positive ways, and appears to be meeting her basic needs. At a hearing on Adrian's case, however, mother is present and is at times hostile and confrontational, while at other times somber and tearful. She talks over the judge and other parties and does not appear to be processing what is happening in the courtroom. She reveals that she has a boyfriend, Bob Thorpe (not Lilly's father). The DDA at the hearing recognizes Mr. Thorpe as a chronic domestic violence offender who is currently on probation for Strangulation and Menacing (mother is

not the victim). Mother says she has phone and text message contact with Thorpe but hasn't seen him in person since she entered Lighthouse of the Spirit Shelter. She acknowledges that Thorpe was abusive to her during their relationship, including near the end of her pregnancy with Lilly, but says he was violent because of drugs and is now clean. Thorpe has been arrested in the past for abusing her but she has never been willing to participate in a prosecution of Thorpe. Mother says she loves Thorpe, is being taught the value of forgiveness and healing at Lighthouse of the Spirit Shelter, and would like to give Thorpe another chance.

DHS files a petition as to Lilly. The information noted above is available to the court and all parties at the shelter hearing.

THE SCENARIO PART TWO



The petition as to Lilly that is before the court at the jurisdictional hearing reads as follows:

- A. The mother's history of substance abuse places the child at risk of harm.
- B. The mother has subjected the child to domestic violence. Her unwillingness to leave her abusive relationship, and her refusal to cooperate with the prosecution of her abuser, places the child at risk of harm.
- C. The mother has mental health issues which interfere with her ability to parent the child and place the child at risk of harm.

Mother offers to admit these allegations as pled, agreeing that all of these issues present legitimate threats to Lilly's safety.

ICWA is found not to apply.

THE SCENARIO PART THREE



Review Hearing:

The court accepts mother's admissions at the jurisdictional hearing and Lilly is made a ward of the court.

At the first review hearing in the case the court learns that Shanelle relapsed on Meth with Lilly in her care while on a pass from Lighthouse of the Spirit Shelter. She reconnected with Thorpe, who assaulted and strangled her in Lilly's presence. A citizen who saw the incident called the police, who responded and arrested Thorpe. The police did not ask Shanelle many questions about her history or current circumstances and did not call DHS or take Lilly into protective custody. The DA's Office did not initiate a prosecution against Thorpe regarding this incident in part because Shanelle was unwilling to participate.

Mother returned to Lighthouse of the Spirit Shelter and told shelter staff what happened. Lighthouse of the Spirit Shelter did not call DHS or any other system partner. DHS learned about the incident several days later from another DHS client who lives at the shelter. DHS staffed the case internally and decided not to remove Lilly because mother and Lilly are back in a safe, supportive setting.

THE SCENARIO PART FOUR



Motion to Dismiss:

It is now 11 months since the Shelter Hearing. Mother is preparing to transition out of Lighthouse of the Spirit Shelter into her own apartment. While she appears to have remained sober from alcohol and clean from Meth, she reports that she continues to smoke marijuana regularly. Her UAs reveal consistently high THC levels. Lilly is doing well and is developmentally on track. DHS appears at the second review hearing, represented by an Assistant Attorney General, and moves for dismissal, arguing that Lilly's conditions and circumstances no longer endanger Lilly. DHS has not investigated whether mother has continued to have contact with Thorpe. The status of that relationship is unclear.

THE SCENARIO PART FIVE



Scenario 5: Postscript

Two months after the court terminates wardship and vacates temporary legal custody of Lilly to DHS, mother reunites with Thorpe. He and mother soon return to Meth use. Thorpe seriously assaults Lilly causing a skull fracture, multiple rib fractures and a broken arm. When mother tries to intervene to protect Lilly Thorpe attacks mother with a hammer causing serious injuries. Both mother and Lilly are hospitalized. Hospital staff calls the DHS Hotline.