

**MINIMALLY
ADEQUATE
PARENTING**

AKA:

**I KNOW IT WHEN I SEE IT AND THE
PARENTING IN THIS CASE IS NOT
THAT...**

BASIC LEGAL STANDARD (CONDITIONS AND CIRCUMSTANCES)

Under ORS 419B.100(1)(c), jurisdiction is warranted if a child’s “condition or circumstances are such as to endanger [her] welfare”—that is, if they “give rise to a threat of serious loss or injury.” “DHS has the burden to establish a nexus between the allegedly risk-causing conduct or circumstances and risk of harm to the child,” and must do so by a preponderance of the evidence. The risk of harm must be “present at the time of the hearing and not merely speculative,” and DHS must present evidence of the “type, degree, and duration of the harm” to the child. Matter of K. R. M., 296 Or.App. 109, 117–18, 437 P.3d 1186, 1192 (2019)

BAD THINGS AROUND KIDS MUST BE HAPPENING/RISKY TO KIDS...

- Evidence that a child has been exposed to a parent exhibiting the adverse effects of intoxication is not, in and of itself, a basis for juvenile court jurisdiction. Likewise, a child's exposure to domestic violence does not necessarily create a risk of serious loss or injury to a child sufficient to warrant juvenile court intervention. The state must establish both that the child is at risk of a certain severity of harm and that there is a reasonable likelihood that the risk will occur. Matter of K. R. M., 296 Or.App. 109, 120–21, 437 P.3d 1186, 1193 (2019)
- Domestic Violence Exposure
 - Physical Harm/Risk of Harm
 - Psychological/Emotional Harm/Risk of Harm
- Drug and/or Alcohol Allegations
 - Physical Harm/Risk of Harm
 - Psychological/Emotional Harm/Risk of Harm
- Homelessness...
- Mental Health...

NOTE TO SELF: NOT IDEAL

- ...but such conduct, although far from ideal, does not establish a risk of injury to child sufficient to support jurisdiction. Matter of K. R. M., 296 Or.App. 109, 122, 437 P.3d 1186, 1194 (2019)
- Obviously, that is not ideal parenting. However, without more, it is not inherently or necessarily more harmful or dangerous than other varieties of parenting that would, by no stretch of the imagination, justify state intervention into the parent-child relationship. State ex rel. Dep't of Human Servs. v. D.T.C., 231 Or.App. 544, 554, 219 P.3d 610, 615 (2009)