INITIAL HEARING SCENARIO

A new case comes into court. Two children, a 10 year old boy (Brian), and a 6 month old girl (Julia), have been detained from their young mother (Martha) due to allegations of drug use and domestic violence between the mother and her boyfriend (Julia's father Frank). Brian has a different father (Fred) who has not been around for several years.

Additional information contained in the detention materials includes a short police report detailing a home call made by the police a month earlier in which screaming had been heard coming from the home, but no arrests were made and all parties denied any problems. At that time, the Mother did admit that Brian's father Fred, whom she hasn't seen in a couple of years, used to beat her. She denies current domestic violence between herself and Julia's father. There was no follow up until the current detention, which resulted from Julia's father being arrested for selling methamphetamine in the alleyway adjacent to the family apartment building. A search of the family's apartment incident to the arrest yielded more drugs, and as the children were present with their mother, they were detained in the ensuing chaos. There is no police report attached relating the events that led to the actual detention of the children.

At an interview conducted by the social worker after removal from the home, Brian, whose speech is difficult to understand, made statements indicating he had seen Julia's father hit his mother, and also that his mother sleeps a lot during the day. Additionally, while Brian meets the age requirements for school, he has not been enrolled for the new school year. The social worker's report indicates that Mother has a sister who may be available to take the children into her home, but the children are currently placed in a foster home together.

ADDITIONAL FACTS AT INITIAL HEARING

Brian and his mother are present at the hearing. Brian was brought in through court transportation. Julia's father was released from custody and is now whereabouts unknown. The maternal aunt also comes with the mother to court.

What would you advocate and what issues would you identify if:

1. The drug involved was marijuana and not methamphetamine?

2. Mother had promised to keep Julia's father out of the house at the time the agency was detaining the children?

3. Mother and the children were not around at the time of Julia's Father's arrest, and the agency found the children at the aunt's home and detained them anyway and placed them in foster care?

4. Brian told you privately that his aunt has hit him in the past?

ADDITIONAL FACTS AT THE JURSIDICTIONAL HEARING

CSW's report states that Mother continues to deny sale or use of drugs, current domestic violence or other problems in the home. She very much wants her children returned to her and has pledged to keep Julia's father away from the children. She has been visiting consistently, but cries when the visit is over, which is difficult for the children, and they start crying too.

Neither father is available for interview.

Brian is interviewed for the jurisdictional report and he is now saying that nobody has ever hit anybody, but still says that mother sleeps a lot during the day. He has no knowledge of drug use or sales in the home. After an assessment, both children were placed with the maternal aunt.

Further CSW investigation reveals that Mother had a child in between Brian and Julia who is living with a maternal relative in another county. That maternal relative was contacted and tells the CSW that proceedings were started against Mother and she gave this child up for legal guardianship a couple years ago. She doesn't know if Brian was ever involved in these proceedings. Maternal relative tells the CSW that she took this child in because the Mother was overwhelmed by caring for two children, and that the father was abusive. The father of this child is also Julia's father.

Julia's hospital/birth records are attached and they reveal that no testing for drugs was done, but that she was a low birth weight baby and had difficulty breast feeding. Mother had no prenatal care with regard to Julia as far as the CSW can tell.

The jurisdictional report requests that the petition be sustained as pled and that all parents be denied family reunification services.

What would your position be on the petition, placement and reunification if:

1. You had also contacted the relative in the other county and she tells you that the legal guardianship was granted in probate court, and that there were issues of drug abuse at that time as well?

2. Mother was enrolled in a drug program and parenting classes? What if she hadn't enrolled in any programs but was visiting regularly?

3. Mother was currently homeless and wanted to move in with the aunt and the children?

4. Both children were thriving in the home of the maternal aunt?

5. Brian's father appeared at the jurisdictional hearing?

6. What would your recommendation be for services/resource referrals for both Brian and Julia?

ADDITIONAL FACTS AT THE REUNIFICATION STATUS HEARINGS

Mother has been complying with the case plan somewhat sporadically, but visiting often and appropriately. She enrolled late in a DV class, and attends occasionally, completed parenting, and has missed drug tests. She is currently employed. She continues to maintain that she has had no contact with Julia's father. She is living in a small studio apartment in a rough area of town that she insists is appropriate for both children.

Brian and Julia are thriving in the home of their maternal aunt. Brian is in school, but a grade behind and continues to have some difficulties completing assignments. He has also been hitting other students. Julia, now close to a year old, is just beginning to sit up and is not verbalizing at all.

Maternal Aunt states that if Mother can "get her act together," she should get her children back, but in her opinion, Mother is doing the bare minimum to reunify just so she can get the welfare check. Maternal aunt reports no problems with visits and also states that she has not seen either Father nor heard that they are around. Maternal aunt would be interested in either legal guardianship or adoption if reunification efforts fail.

Brian wishes to return to Mother but is happy at the aunt's house. Even though Maternal Aunt provides day care for other children and Julia, Julia is now relating to her aunt as her mother, and treats mother as a "friendly visitor," when mom visits.

What would your position on return or further reunification services be if:

1. Mother has a new boyfriend?

2. Mother's delay in enrolling in DV counseling was due to the social worker giving her referrals to programs that had no openings?

3. Mother's excuse for missing tests was her work schedule? What if she didn't have a valid excuse?

4. Brian told you in secret that he didn't want to go back to Mom's house?

5. Julia's father shows up at the hearing and wants to move back in with mother and wants reunification services?

6. Do you have any additional recommendations for services for either of the children at this point?