INITIAL HEARING SCENARIO

A new case comes into court. Two children, a 12 year old girl (Brianna), and a 6 month old boy (Jason), have been detained from their young mother (Martha) due to allegations of drug use and domestic violence between the mother and her boyfriend (Jason's father Frank). Brianna 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 Brianna'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 Jason's father. There was no follow up until the current detention, which resulted from Jason'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, Brianna, whose speech is somewhat difficult to understand, made statements indicating she had seen Jason's father hit her mother, and also that her mother sleeps a lot during the day. Additionally, while Brianna meets the age requirements for school, she 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

Brianna and her mother are present at the hearing. Brianna was brought in through court transportation. Jason'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. Mother admitted to her attorney she was or had been using methamphetamine?

2. Mother admitted to the social worker she was or had been using methamphetamine?

3. The drug involved was marijuana and not methamphetamine?

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

5. Mother and the children were not around at the time of Jason'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?

6. Brianna told you privately that her aunt has hit her in the past?

ADDITIONAL FACTS AT THE JURSIDICTIONAL HEARING

SW'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 Jason'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.

Brianna is interviewed for the jurisdictional report and she is now saying that nobody has ever hit anybody, but still says that mother sleeps a lot during the day. She 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 Brianna and Jason 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 Brianna 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 Jason's father.

Jason's hospital/birth records are attached and they reveal that no testing for drugs was done, but that he was a low birth weight baby and had difficulty breast feeding. Mother had no prenatal care with regard to Jason 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 parenting classes and a drug program and was testing clean? 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. Brianna's father appeared at the jurisdictional hearing?

6. What would your recommendation be for services/resource referrals for both Brianna and Jason?

<u>ADDITIONAL FACTS AT THE REUNIFICATION STATUS HEARINGS</u>

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 Jason's father. She is living in a small studio apartment in a rough area of town that she insists is appropriate for both children.

Brianna and Jason are thriving in the home of their maternal aunt. Brianna is in school, but a grade behind and continues to have some difficulties completing assignments. Jason, 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.

Brianna wishes to return to Mother but is happy at the aunt's house. Even though Maternal Aunt provides day care for other children and Jason, Jason is now relating to his aunt as his 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. Brianna told you in secret that she didn't want to go back to Mom's house?

5. Jason'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?

ADDITIONAL FACTS AT THE SELECTION AND IMPLEMENTATION and/or THE POSTPERMANENCY HEARING

Mother's services were terminated at the last review hearing, and a WIC 366.26 Hearing was set for consideration of adoption or guardianship in the home of the Maternal Aunt.

Mother has continued to visit often and appropriately, with Maternal Aunt supervising. Mother has now completed 75% of her domestic violence classes, has continued to test clean when testing, but has missed a few drug tests. Mother also maintains the same job and apartment.

Brianna and Jason are still doing very well in the aunt's home, and both children state they would like to stay with maternal aunt.

What would your position be as to the appropriate permanent plan if:

1. Mother contends that her parental rights should not be terminated because the children are extremely bonded to her, and terminating her parental rights would be more detrimental than the benefits of adoption with the maternal aunt?

2. Jason's father shows up stating that he left a message for the social worker after his release from custody, but never received a return call or any information about Jason's case, the dates of the hearings, or what he needed to do to regain custody of him?

3. There was a finding at the last review hearing that due to her late domestic violence counseling referral, mother did not receive reasonable reunification services?

4. Mother filed a WIC 388 petition requesting return of the children, 1 month before the WIC 266.26 hearing. Both were contested and both matters were set for a trial that is pending?

5. Brianna is not doing well in the aunt's home and may have to be moved to a foster home?

6. Brianna is moved to a foster home and adoption or guardianship is not likely?

ADDITIONAL POSTPERMANENCE FACTS

Mother's 388 for placement of the children was denied and Jason is pending a guardianship with his aunt. Brianna has been moved to a foster home due to escalating behavior and difficulty in school. Her aunt no longer wishes to assume guardianship and Brianna current plan is "Placement with Smith Foster Home, with a specific goal of independent living with identification of a caring adult to serve as a lifelong connection."

Brianna still visits her aunt and her mother, but is struggling with her placement, school and social activities.

Brianna expresses a desire to meet more of her father's side of the family. She has not had a relationship with her paternal relatives and her father has not provided much information about his side of the family.

What would your position be as to a permanent plan and services or resources for Brianna, if:

1. She remains in her current foster home, but continues to struggle?

2. She is moved to a group home?

3. The social worker finds a paternal aunt, uncle and cousin who have expressed an interest in meeting Brianna?