

OPD/OCLA HB 1227 Training

Please review the Petition In re the Matter of the Dependency of Simon Jango, Sean Jango, and Susie Windu. Once you have reviewed the Petition, please discuss and answer each of the following questions. Due to the nature of this being a learning activity, please answer each question regardless of your previous answer. Remember that the goal is to consider each element of HB1227 even when another answer may be dispositive.

* Required

Shelter Care Removal Standard

Section 1

1. Has the Department made reasonable efforts to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home? *

Yes

No (**Insufficient Basis for Removal**)

2. Explain your finding? *

3. Regardless of your reasonable efforts finding, is there reasonable cause to believe and of the following? *

- The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or **(Sufficient Basis for Removal)**
- Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, notwithstanding entry of a TRO. **(More Information Necessary)**
- The parent, guardian, or custodian to whom the child could be released has been charged with violating custodial interference in the first or second degree. **(Sufficient Basis for Removal)**
- None of the above. **(Insufficient Basis for Removal)**

4. Explain why you believe removal is/is not necessary to prevent imminent physical harm due to child abuse or neglect. *Please note that the "existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance abuse, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical harm."* *

5. Assuming that you found removal necessary, does the evidence show a causal relationship between the particular conditions in the home and imminent physical harm to the child? *

Yes

No (**Insufficient Basis for Removal**)

6. Please explain. *

7. Assuming you found a causal relationship, is it contrary to the welfare of the child to be returned home? *

Yes

No (**Insufficient Basis for Removal**)

8. Please explain. *

9. Assuming all of the above were found, after considering the particular circumstances of the child, does the imminent physical harm to the child outweigh the harm the child will experience as a result of removal? *

Yes

No (**Insufficient Basis for Removal**)

10. Please explain. *

11. Would participation by the parents in any preventative services prevent or eliminate the need for removal? *

Yes

No

12. Does the parent agree to participate in preventative services? *

Yes

No

Unknown

13. Would a temporary order of protection directing the removal of a person or persons from the child's residence prevent the need for removal? *

Yes

No

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