

48.21 Hearing for child in custody.

Custody notification 48.19

1. Immediately attempt to notify parent
2. Continue attempting to notify parent
3. If released, immediately notify parent

Statutory preference release child from custody as soon as reasonably possible 48.20

1. Person taking into custody to make every effort to release child immediately
2. Release to parent
3. If parent unable/unwilling, to responsible adult
4. To self, if 15 or older

Custody rights 48.20(3)

1. Intake worker interview
2. Written statement supporting custody
3. PC Jurisdiction and: 48.205
 - a. Suffer injury by self or others
 - b. Parent neglecting, refusing, unable, or unavailable to provide adequate supervision and care, and the services that would ensure the child's safety and well-being are inadequate or not available
 - c. Run away or be taken away

Petition 48.25

1. Should be filed by detention hearing
2. Otherwise, extension if court finds: 48.21
 - a. child poses an imminent danger to himself or herself or others
 - b. neglecting, refusing, unable, or unavailable to provide adequate supervision and care

Detention hearing 48.205

1. County has probable cause burden:
 - a. Jurisdiction for CHIPS
 - b. Level of custody requested
2. Rules of evidence don't apply 48.299
 - a. Can use hearsay
 - b. Ct must "apply the basic principles of relevancy, materiality and probative value" in deciding whether to admit evidence on questions of fact
 - c. Ct must exclude irrelevant evidence

3. Physical custody decision

- a. Continued placement in home contrary to welfare
 - b. Reasonable efforts to prevent removal**
 - c. Reasonable efforts to make it possible for child to return safely home**
 - d. Reasonable efforts to keep siblings together**
4. Findings must be on case-by-case basis, based on circumstances

Questions for court to consider

1. Why was an in-home safety plan originally determined to be insufficient, unfeasible or unsustainable?
2. How does the threat emerge? Intensity? Frequency?
3. Can it be controlled with the children in home? If so, how?
4. Can anyone substitute for the parent within the home to provide sufficient protective capacity to assure control of the threat or danger?

TPC order and conditions 48.21

1. Placement
- 2. Conditions necessary to ensure safety of child - it's not dispo!**
3. Family time (visitation)
4. Cooperate with DHS
5. Release information
6. Sobriety
7. Medication compliance
8. Mental health treatment

Custody places 48.207

1. Home of parent or relative
 - a. Talk with client about relatives for potential placement
2. Licensed foster home
3. Nonsecure facility
4. Shelter care
5. Home of a nonrelative
6. Hospital

Placement review

1. Family time (visitation) w/in 5 days
2. Judge review Ct. Com.
3. Interlocutory appeal
4. Change of placement motion