

Rule 13. Criteria for Shelter Care

(a) Generally. When the Corporation Counsel moves the Court to place a child in shelter care, the government shall have the burden of showing that shelter care is required under the criteria set forth in D.C. Code § 16-2310.

(b) Protection of the person of the child. In determining whether shelter care is necessary under D.C. Code § 16-2310(b)(1), among the factors deemed relevant are:

(1) The nature and seriousness of any alleged abusive or threatening conduct toward the child, and the potential for further harm to the child prior to the fact-finding hearing;

(2) The existence of illness or injuries to the body of the child who was in the custody of the parent, guardian or custodian for which no satisfactory explanation is given;

(3) The nature and seriousness of abusive or threatening conduct toward a sibling as it reflects on the possibility of future harm to the child;

(4) Suicidal actions or tendencies or other seriously self-destructive behavior of the child or any other person creating an imminent danger to the child's life or health; and

(5) Chronic mental or physical conditions of the parent, guardian or custodian which bear directly on the safety of the child.

(c) Lack of care or supervision. In determining whether shelter care is necessary under D.C. Code § 16-2310(b)(2), among the factors deemed relevant are:

(1) The child's age and maturity;

(2) The child's existing living arrangements;

(3) The duration of existing living arrangements and the child's adjustment to them; and

(4) Evidence or likelihood of serious harm to the child's physical or mental health resulting from existing living arrangements.

(d) Alternatives to shelter care. Before a child is placed in shelter care, the judicial officer must determine, pursuant to D.C. Code § 16-2310(b)(3), that:

(1) No alternative resources or arrangements are available to the family that would adequately safeguard the child without requiring removal; and

(2) No relative or other third-party custodian is available who can protect the child and provide for his or her welfare.

(e) Evaluating harm from removal. In making a shelter care determination, the judicial officer shall evaluate the harm to the child that may result from removal. In making such evaluation, the judicial officer shall consider such factors as:

(1) The child's attitude toward removal and ties to the parent, guardian or custodian, as well as the child's relationships with other members of the household;

(2) The disruption to the child's schooling and social relationships which may result from placement out of the neighborhood; and

(3) Any measures which can be taken to alleviate such disruption.