

Rule 14. Conduct of Shelter Care Hearing

(a) Presentation of report. The agency with case responsibility shall submit to the judicial officer orally and in writing the report of the initial investigation prepared pursuant to Rule 7. If removal of the child from the home is recommended, the judicial officer shall hear from the parties on the issue of shelter care in accordance with the criteria set forth in Rule 13 and D.C. Code § 16-2310(b). Placement with a relative shall also be considered if requested by the agency or a party.

(b) Probable cause. If the judicial officer determines that removal from the home appears necessary under the criteria set forth in Rule 13 and D.C. Code § 16-2310(b) and the parent, guardian or custodian objects to removal, a probable cause hearing shall be held. If the judicial officer finds that there is probable cause to believe that the allegations contained in the petition are true, the judicial officer shall hear any additional evidence concerning the placement of the child, visitation, and services required for the parents or child. The judicial officer may admit any relevant testimony or other evidence concerning the placement of the child, visitation and services, whether or not such evidence would be admissible at the fact-finding hearing, provided that any written reports, social records or other documents made available to the judicial officer at the hearing also have been made available to the parties in accordance with Rule 7.

(c) Reasonable efforts. The judicial officer shall determine whether the responsible agency made reasonable efforts to prevent or eliminate the need for the removal of the child from the home or, alternatively, that the child's removal from the home is necessary regardless of any services that could be provided to the child or the child's family. In determining whether the agency has made reasonable efforts to prevent removal, the judicial officer shall consider:

- (1) Dangers to the child and the family and problems precipitating those dangers;
- (2) Whether the agency has selected services specifically relevant to the family's problems and needs;
- (3) Whether caseworkers have diligently arranged those services;
- (4) Whether appropriate services have been available to the family on a timely basis;
- (5) The availability and accessibility of the services provided; and
- (6) The result of the interventions made by the agency.

(d) Determination that reasonable efforts are not required. The judicial officer shall determine whether reasonable efforts are not required in the future to effectuate reunification, pursuant to D.C. Code § 4-1301.09a, because of the existence of one of the following circumstances:

- (1) A court of competent jurisdiction has determined that the parent:
 - (A) Subjected a sibling or another child to cruelty, abandonment, torture, chronic abuse, or sexual abuse;
 - (B) Committed the murder or voluntary manslaughter of a sibling or another child;
 - (C) Aided, abetted, attempted, conspired, or solicited to commit the murder or voluntary manslaughter of a sibling or another child; or
 - (D) Committed an assault that constitutes a felony against the child who is the subject of a petition before the Family Court, a sibling of such a child, or another child; or
- (2) The parent's parental rights have been terminated involuntarily with respect to a sibling.

(e) Determination of whether continuation in the home is contrary to the welfare of the child and the date of removal from home. The judicial officer shall determine whether continuation in the child's home would be contrary to the welfare of the child and, where the child is or has been removed from the home, shall determine the date of the child's removal from home.

(f) Discovery and related matters. Parties may request orders with respect to discovery, investigation, examinations (e.g., drug, physical, mental), release of records (e.g., educational, medical), paternity testing and other matters needed to ensure speedy resolution of the case. The judicial officer also may make a determination with respect to requests for special advocates or guardians ad litem for parents or other parties. Orders relating to mediation or case conferencing may be requested at this time.

(g) Additional matters. The judicial officer shall address the following additional matters:

(1) Inquiry as to Potential Relative Placements. When the child has been removed from home or where removal from home is recommended, the judicial officer shall determine the names, nature of the familial relationship, place of residence and status of investigation of relative resources for placement of the child.

(2) Child Support Worksheet. A child support worksheet shall be presented to each parent to complete and submit to the judicial officer at the next hearing.

(3) Scheduling. The judicial officer shall set the dates for the mediation or pretrial conference.

(h) Five-day continuance. For good cause shown, any party may request that the judicial officer continue any part of the initial hearing (including the probable cause hearing) other than the shelter care determination for a period not to exceed five days or for such additional time as is consented to by all parties present. If additional time for preparing a more complete report is granted, the report shall be filed in the court jacket and provided to counsel for all parties not later than 24 hours prior to the continued hearing.