

In re Interest of Baby Boy R.

Caselaw No.

A-14-41

Filed on

Wednesday, July 9, 2014

SUMMARY: The State proved by preponderance of the evidence that HHS custody was necessary for the child's welfare where the mother had failed to rehabilitate herself in the two years of offered services following the removal of her three older children.

The State removed Baby Boy R. (DOB: October 2013) shortly following his birth. At the detention hearing held in October and November 2013, there was evidence that Baby Boy R.'s mother, Kerri, had three older children who were removed from her care in July 2011 due to unsafe and unsanitary conditions of her home and her failure to provide safe and adequate housing. Kerri was adjudicated on those allegations and was offered numerous services including evaluations, substance abuse treatment, supervised visitation, and family support services. Kerri's participation in these services was inconsistent and she was discharged from family support services due to her failure to attend meetings. Kerri failed to follow the recommendations regarding substance abuse treatment and her chemical dependency issues persisted. Kerri's compliance with urinalysis testing did improve shortly before the removal of Baby Boy R., but overall Kerri did not consistently participate in drug testing. The family permanency specialist assigned to the case testified that Kerri did not have a stable residence or employment, and that Baby Boy R. should not be placed with Kerri. The juvenile court found it would be contrary to the health and safety of Baby Boy to be returned to Kerri's home and that it was in his best interest to remain the custody of HHS.

The Nebraska Court of Appeals affirmed the court's order. The evidence presented at the detention hearing demonstrated that Kerri's older children had been out of her custody for more than two years and Kerri was inconsistent with participating in offered services. Kerri's housing and employment was unstable and she lacked necessary parenting skills. Therefore, the State presented sufficient evidence establishing that the continued detention of Baby Boy was necessary for the welfare of the child.

Tags

Baby Boy R.,
best interests,
chemical dependency,
health,
Kerri,
rehabilitation,
removal,
safety,
services,
substance abuse,
urinalysis testing
