

FILED

OCT 11 2000

**3rd District
Juvenile Court**

**IN THE THIRD DISTRICT JUVENILE COURT
FOR SALT LAKE COUNTY, STATE OF UTAH**

MINUTES

<u>NAME</u>	<u>BIRTH DATE</u>	<u>CASE NO.</u>
BIERLY, JORDAN	04-09-93	128961
BIERLY, LEIGH	06-13-98	129142

BEFORE JUDGE JOHANSSON - October 11, 2000

Present: mother;
Paul Amann, Assistant Attorney General;
Liz Knight, Guardian Ad Litem;
Russell Pietryga, Attorney for the mother;
Barry Richards, Division of Child and Family Services;
interested parties.

This matter came before the Court for a shelter hearing.

The Court was in receipt of a Verified Petition filed October 3, 2000.

The Court found that appropriate notice was given to the mother in regard to this shelter hearing, and that all preliminary requirements have been met.

Mr. Amann moved the Court to invoke the exclusionary rule, with the exception of Mr. Richards, the Division of Child and Family Services case worker, and the mother.

Counsel concurred.

The Court granted the motion.

The identified witnesses were put under oath and instructed by the Court not to discuss the facts of this case outside the presence of the Court.

Mr. Amann called the following witness who was sworn in and gave testimony:

witness #1 Berry Richards (100/1920-4825)

Mr. Pietryga moved the Court to voir dire this witness.

The Court granted the motion.

Mr. Amann submitted the following exhibits which were marked and accepted by the Court:

exhibit #1 Letter to Dr. Allen dated September 18, 2000
exhibit #3 Letter from Dr. Hardin dated October 10, 2000

The Court meet with counsel off record and received proffered testimony and oral arguments from counsel.

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The Court amended the petition to reflect Jordan's correct birthdate.

FINDINGS

WHEREAS, a verified petition has been filed in the above-entitled Court in the interest of the above named child(ren) alleging facts or circumstances of neglect, abuse, or dependency that bring said child(ren) within the jurisdiction of the Juvenile Court; and based on information presented at the (shelter) hearing and available to the Court it appears that:

Removal was reasonable in that there is a substantial danger to the physical health or safety of the children and that the children cannot be protected without removal from the custody of the parents and that an emergency existed justifying the removal.

Continuation in the home would be contrary to the welfare of the child(ren) and removal is in their best interest, due to the substantial danger which exists, the lack of preventative efforts is reasonable.

It is the best interest of the child(ren) to be placed in the temporary care and custody of the Division of Child and Family Services pending further hearing on the matter.

THE COURT DIRECTS THE FOLLOWING:

1. It is in the best interest of the children to be placed in the temporary custody of the Division of Child and Family Services for continued shelter care pending the adjudication hearing or prior order of reunification by the Court and the parents are ordered to contribute to said support according to Recovery Service guidelines; that the parents are further ordered to meet with the Division of Recovery Services within thirty (30) days of this hearing to determine the amount of said support. The recommendations of this Office of Recovery Services for the amount of support is incorporated by reference in this Order. If the parents disagree with the recommended amount a further hearing may be held;
2. The mother is to undergo a mental health evaluation;
3. The Division of Child and Family Services is to implement a safety plan for the family;
4. The Division of Child and Family Services is authorized to return Leigh when a safety plan is in place and the mother's mental health evaluation is completed;
5. The Court Orders the Division of Child and Family Services to investigate the potential of kinship placement;
6. Reasonable supervised visits are to be arranged by parties;
7. The Court directed Mr. Amann to prepare the Order;
8. This matter is set for pre-trial on October 18, 2000, at 1:30.