

FILED

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**3rd District
Juvenile Court**

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

STATE OF UTAH, in the interest of	:	SHELTER ORDER
	:	
BIERLY, JORDAN 4-9-83	:	Case No. _____
BIERLY, LEIGH	:	
BIERLY, PETER	:	
	:	
Children under 18 years of age.	:	Judge Johansson

Date: **October 11, 2000.**

Parties present: DCFS: Barry Richards ;
 AG: Paul G. Amann ; GAL: Liz Knight ;
 Mother: Elizabeth Bierly ; Father: _____ ;
 Attorney for mother: Russ Pietryga ; Attorney for father: _____ ;
 Child(ren): _____ ;
 Other: _____ ;

The above-entitled matter came before the court for a Shelter Hearing pursuant to 78-3a-306.

Notice was served in compliance with 78-3a-306.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The Shelter Hearing notice requirements were waived.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
A Verified Petition was filed.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The parties acknowledged receipt and waived further service.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The parties were advised of nature of the proceedings and right to counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Counsel was appointed? <i>not to Father of Leigh</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Representation by counsel was waived.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

EVIDENCE PRESENTED

The Court heard testimony from the following witnesses: _____

The Court received the following exhibits: State's 1-letter of Dr. Hardin to Dr. Allen.

The Court received the following proffers: _____

The Court received a report from the agency. Yes No
The report was written verbal. ?
The parents/guardians were examined pursuant to 78-3a-306(5): Yes No
The parents admitted to the allegations in the Petition? Yes No

WHEREFORE, having heard from all the parties, being familiar with the file, and good cause appearing therefore, the Court enters the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The jurisdictional requirements have been met.
2. In accordance with Utah Code Annotated § 78-3a 306(8), a preponderance of the evidence shows that one of the following circumstances exists: the child is in need of immediate medical care. § 78-3a-306(8)(h) Utah Code Ann. (1998).
3. Jordan is not attending school as he should be.
4. Continuation in the home would be contrary to the welfare of the child(ren) and removal is in their best interest. **The lack of preventive efforts was reasonable because one of the following emergency situations/aggravated circumstances occurred:**
 - a. **The minor is in need of immediate medical care. § 78-3a-301(1)(h) Utah Code Ann. (1999).**
 - b. **Leigh is a sibling-at-risk as defined by § 78-3a-301(1)(r)(i)D) Utah Code Ann. (1999).**
 - c. **Peter is not at risk and may remain in the custody of his mother.**
5. There is not a natural parent available, with whom the child(ren) were/was not residing at the time the events or conditions that brought them/her/them within the court's jurisdiction occurred, and who desires custody of the child(ren).
6. Reasonable visitation with the child(ren) by the parents(s) from whom the child(ren) was removed may be allowed as follows: as arranged by the parties and supervised as previously ordered.
7. The Division of Child and Family Services is to conduct an investigation regarding the safety and appropriateness of placement with a relative who requests placement. Division of Child and Family Services shall report its findings to the Court. Pending such report, the child(ren) shall remain in the custody of the agency.

WHEREFORE, having made and entered its Findings of Fact and Conclusions of Law on the record, the Court hereby enters the following:

ORDER

1. The initial removal of the child(ren), Jordan and Leigh, was necessary pursuant to the specific findings herein included. It is therefore in the best interest of the child(ren) to be placed in the temporary legal custody of Division of Child and Family Services for continued care and placement pending the adjudication hearing. **The parents are ordered to contact the Office of Recovery Services (ORS) to determine a support amount for said child(ren) for the period that the custody of said child(ren) is given to an agency or individual other than his or her parents. If you are currently ordered to pay child support, your child support is assigned to the State of Utah in accordance with U.C.A. 62A-1-117 and 78-45-4.4. In the absence of a prior order you are required to contact ORS to determine your obligation, and if you fail to do so within 30 days, your liability shall accrue as of the date of this hearing. ORS shall be responsible for collecting the child support and disbursing it to the appropriate agency or individual. The court has advised the parents of the above information regarding a child support obligation. The parents shall contact ORS Team 70, 515 East 100 South, Salt Lake City, UT 84102, or call (801) 536-8770 or (888)734-3955 within 30 days.**

2. There is no non-custodial parent desiring custody of the child(ren) fit for temporary placement.

3. The Court further orders that: the mother shall undergo a mental health evaluation. Leigh may be returned to her care upon completion of a safety plan and the mental health evaluation.

4. This matter shall be set for Pretrial on October 18, 2000 at the hour of 1:30 p.m. All parties are ordered to attend.

Submitted
DATED this 9th day of Nov, 2000.

BY THE COURT:
[Signature]
OLOF A. JOHANSSON
Third District Juvenile Court Judge

