STATE OF INDIANA

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_COURT

In The Matter Of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CAUSE NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A Child Alleged to be a Child in Need of Services

 **EMERGENCY CUSTODY ORDER**

Comes now the Indiana Department of Child Services, \_\_\_\_\_local office (DCS) and orally requests an emergency Order to remove the above named child from the home of his/her parents/guardian\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The DCS by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, presents information by telephone/affidavit that said child is in need of services in that:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and further that the physical or mental condition of the child will be seriously impaired or endangered if not immediately removed from the home and taken into protective custody in that detention is necessary to protect the child.

The Court finds as follows:

1) That an emergency exists requiring immediate action by the Court without need of a hearing.

2) Continuation of residence in the home of the parent/guardian would be contrary to the health and welfare of the child because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Example: it appears the child has been physically abused by the parent; it appears the residence of the parent is in such condition as to cause immediate harm to the child)*

3) That the physical or mental condition of the child will be seriously impaired or endangered if not immediately removed from the home and taken into protective custody and the safety of the child precludes the immediate use of family services to prevent the removal of the child;

4) That there is probable cause to believe the child is in need of services.

5) Detention is necessary to protect the child.

 [ ] The child is unlikely to appear before the Juvenile Court for subsequent proceedings.

 [ ] The child has a reasonable basis for requesting that the child not be released.

 [ ] The parent, guardian or custodian cannot be located or is unable or unwilling to take custody of the child.

 [ ] That said child is in custody at the time of the request.

The Court further finds that grounds for detention exist under IND. CODE 31-34-4-5.

The Court further finds that:

1. it is in the best interest of the child to be removed from the home environment; and
2. remaining in the home would be contrary to the health and welfare of the child and
3. reasonable efforts have been made to prevent or eliminate the need for removal of the child OR due to the emergency nature of the situation, no reasonable efforts could be made to prevent removal because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Optional if the child is being separated from the child’s sibling, if not, omit this section)*

1. *It is/is not in the best interest of the minor child to be separated from the child’s sibling because:*

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that DCS is authorized to take\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (child) into immediate protective custody with the assistance of law enforcement pursuant to IND. CODE 31-34-2. DCS is given responsibility for placement and care of the child, until further order of the Court, and is authorized to expend funds for said child and obtain emergency medical attention.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that a detention hearing and an initial hearing on a petition alleging that the child is a child in need of services will be held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_a.m./p.m. at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the DCS is directed to send notice of the hearing as required by law, unless the child is released from detention.

So ORDERED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge