STATE OF INDIANA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

In the Matter Of: Case No.

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

A Child In Need Of Services

**ORDER APPROVING PERMANENCY PLAN**

**FOR CHILD WITH APPLA AS PERMANENCY PLAN**

The State of Indiana appears by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Attorney for Indiana Department of Child Services (DCS). The child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, appears in person (is excluded for good cause shown upon the record). The parent(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_appear in person [and by counsel]. The (guardian ad litem) (CASA) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_appear in person. Also, (Case Manager), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ appears.

This case is timely submitted and evidence heard on the proposed Permanency Plan filed by DCS.

The Court now incorporates the findings of reasonable efforts as set forth in the pleadings and papers of DCS for this hearing and further finds:

1. The child was born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and is currently \_\_\_\_ years old.

2. The child was adjudicated a Child in Need of Services on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. The Court entered a Dispositional Order on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That notification of the Permanency Hearing was properly served on all required persons pursuant to I.C. 31-35-2-6.5 or in the alternative, notice was waived.

5. The child is currently in placement in (the parent’s home)(in foster care)(in pre-adoptive placement)(in relative placement) (other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

and has resided at said location for approximately \_\_\_\_\_\_\_\_\_\_\_ (months)(years).

6. The child is progressing well in said placement.

7. DCS has provided the following services:

[ ] referrals for in-home based services for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] participation in counseling sessions for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] participation in parenting classes for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] participation in substance abuse counseling for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] participation in anger management class for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] random urinalysis for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] supervised visitation for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] psycho-social assessment in order to determine needs for

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

[ ] other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (parent/guardian/custodian):

[ ] is/is not in compliance with the plan as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (parent/guardian/custodian):

[ ] is/is not in compliance with the plan as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

10. A case conference and/or family team meeting was held at the offices of DCS on \_\_\_\_\_\_\_\_\_ to discuss the implementation of a permanency plan for the child. Parent[s]/Guardian[s]/Custodian[s]) appeared/failed to appear at the conference. Permanency planning options were discussed regarding the least restrictive alternatives and the court considered all appropriate recommendations in this cause, and consulted with the child in person, or through (interview)(the written statement/report of (CASA) (GAL) (FCM) (person with whom the child is living).

11. The Court asked the child, in open court, about his desired permanency plan and the child responded as follows: \_\_\_\_\_\_\_\_\_\_\_.

The child was unable or unwilling to be present in court because\_\_\_\_\_\_\_\_\_\_\_\_.

The child advised the court through completion of a document admitted into evidence and entitled, “Youth report to the Court”. The substance of that report indicates the child desires his permanency plan to be: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The best permanency plan for this child is another planned permanent living arrangement (APPLA). Compelling reasons that the other permanency plans are not in the best interest of this youth are as follows:

Reunification is not in the best interest of the child because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

Adoption is not in the best interest of the child because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

Guardianship is not in the best interest of the child because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

Placement with a fit and willing relative is not in the best interest of the youth because: \_\_\_\_\_.

Based on the information provided in the (DCS report/DCS presentation in open court), DCS has made intensive, continuous and unsuccessful efforts to locate relatives for potential placement, including the use of search engines and social media.

12. [ ] Based on the information provided in the (DCS report/DCS presentation in open court), the child has participated in age and developmentally appropriate extracurricular, enrichment, cultural and social activities, which were determined by the foster parent or caregiver in the family home, group home, secure private facility, or child caring institution.

Or

[ ] Based on the information provided in the (DCS report/DCS presentation in open court), age-appropriate activities were made available to the youth for participation but the youth chose not to participate.

Based on the information provided in the (DCS report/DCS presentation in open court), DCS took steps to ensure that the foster parent or family home, group home, secure

private facility, or child caring institution applied the reasonable and prudent parent standard when determining which activities the youth should pursue.

13. Based on the foregoing findings the court concludes that DCS has made reasonable efforts to finalize a permanency plan.

14. The procedural safeguards used by DCS to protect parental rights have been examined by the Court and are found to be sufficient.

*[There is a rebuttable presumption that jurisdiction over the child in a child in need of services proceeding continues for not longer than twelve (12) months after the date of the original dispositional decree or twelve (12) months after the child in need of services was removed from the child's parent, guardian, or custodian, whichever occurs first. The state may rebut the presumption and show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished, that a continuation of the decree with or without any modifications is necessary, and that it is in the child's best interests for the court to maintain its jurisdiction over the child. If the department does not sustain its burden for continued jurisdiction, the court shall:  
        (1) direct the department to establish a permanency plan within thirty (30) days; or  
        (2) discharge the child and the child's parent, guardian, or custodian.  
The court may retain jurisdiction to the extent necessary to carry out any orders.]*

15. [ ] Jurisdiction of this court shall continue in that the objectives of the Dispositional Decree have not yet been accomplished and continuance of the Decree with or without modification is necessary and it is in the child’s best interest for the court to maintain jurisdiction over the child.

-OR-

[ ] Having considered all appropriate recommendations in this cause, jurisdiction of this court shall not continue.

IT IS ORDERED THAT:

1. The child’s case plan, services, and placement meet the special needs and best interests of the child.
2. The permanency plan for the child of a planned alternate living arrangement (is hereby) (continues to be) approved by the court.

[ ] Other concurrent plans are included as checked below.

[ ] reunification

[ ] adoption

[ ] emancipation

[ ] appointment of a guardian

[ ] termination of the parent-child relationship

[ ] placement with a relative as a permanent custodian

1. The projected date for finalization of the child’s permanency plan is \_\_\_\_\_\_\_\_\_\_\_ (date).
2. [ ] The child has not been removed and currently resides in the home of the parent, guardian or custodian.

or

[ ] The child has been removed from the care and custody of the child’s parent, guardian or custodian.

It is in the best interest of the child to be removed from the home environment and continuation of residence in the home of the parent/guardian would be contrary to the health and welfare of the child because *[the Court must make specific findings here] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.*

Reason­able efforts (were) (were not) made to (prevent the child's removal from) (to reunite the child) with the child's parent, guardian, or custodian. Family services offered or provided: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

The legal settlement of the child is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and DCS shall provide notice required by I.C. 20-26-11-9.

DCS is responsible for the child’s placement and care.

*(When a child is placed out of state, complete this section:)*

*The Court finds by clear and convincing evidence that the above out of state placement in a facility or home is appropriate because:*

*( ) The Director of the DCS or their designee has recommended or*

*approved of the placement;*

*or*

*( ) There is not an equivalent facility with adequate services in Indiana,*

*because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and*

*( ) Institutional care in this facility is in the best interest of the child and*

*will not produce undue hardship, because \_\_\_\_\_\_\_\_\_\_\_;*

*or*

*() the facility is not more than 50 miles from the county of the residence of*

*the child.*

1. [ ] A separate Financial Obligation Order is being issued.

A copy of this order is to be distributed to DCS.

This case is set for review of implementation of the permanency plan on \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_a.m/p.m.

**SO ORDERED** this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_.

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

Judge

Distribution: