STATE OF INDIANA

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

CAUSE NO. 00X00-0000-XX-00000

In the Matter of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

a [Child Alleged to be a] Delinquent Child

**ORDER FOR PLACEMENT PENDING ASSESSMENT &**

**ORDER SETTING 60 DAY REVIEW HEARING**

Hearing on *Motion for Preliminary Placement in Residential Treatment* is commenced and concluded. The following parties appear: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Court FINDS and ORDERS as follows:

1. The Child [is][is not] a Dual Status Child.
2. The Child’s current placement is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. [Recitation of facts as determined by the Court regarding the Child’s emotional and behavior needs as well as existing safety concerns].
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ recommends placement at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Said placement [is] [is not] a Qualified Residential Treatment Facility.

[NOTE: If DCS is not the requesting party, include the following:]

DCS [concurs][does not concur] with said recommendation.

1. The Child [was][was not] placed at said location on an emergency basis prior to this Hearing.

[*Determination of acceptability of Probation recommendations*]

1. The Court accepts the recommendation of Probation regarding placement, services, and/or programs and approves the Child’s placement at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

—OR—

[*Paragraphs 7 and 8 are to be utilized when the Court is NOT accepting recommendations of DCS under Ind. Code 31-37-5-8]*

1. The Court finds the recommendations of DCS are unreasonable based on the facts and circumstances of the case or are contrary to the welfare and best

interests of the Child as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The Court ORDERS a change in the Child’s current placement to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (alternative placement). Said placement is an emergency required to protect the health and welfare of the Child for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Pursuant to Ind. Code 31-37-5-8 (predisposition) or Ind. Code 31-37-18-9 (at or post disposition) DCS may submit a consideration report to the court, stating whether the department approves or disapproves the proposed service, program, or placement. The department may recommend an alternative service, program, or placement for the Child. The court shall accept the recommendations of the department unless it finds the recommendation is unreasonable, based on the facts and circumstances of the case; or contrary to the welfare and best interests of the Child.
2. The Court finds that it is in the best interests of the Child to be removed from the home environment and remaining in the home would be contrary to the welfare of the Child because (*Check all that apply*):

☐ of the allegations admitted;

☐ of an inability, refusal or neglect to provide shelter, care, and/or supervision at the present time;

☐ the Child needs protection that cannot be provided in the home;

☐ the Child has special needs that require services for care and treatment that cannot be provided in the home; and/or

☐ other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The Court finds:

That reasonable efforts to prevent or eliminate the need for removal of the Child were not required due to the emergency nature of the situation, as follows:

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

[-OR-]

That reasonable efforts were made to prevent or eliminate the need for removal of the Child. The statements of reasonable efforts as set forth in the pleadings, reports, and documents of DCS, Probation, and/or all other service providers filed herein are incorporated by reference.

[-OR-]

That reasonable efforts were made to prevent or eliminate the need for removal of the Child, including: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

1. At this time, the Child should continue to be detained/placed because:

☐ the Child is unlikely to appear for subsequent proceedings;

 ☐ detention/placement is necessary to protect the Child;

 ☐ the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the Child; or

 ☐ consideration for the safety of the Child precludes the use of family services to prevent removal/placement of the Child; or

 ☐ the Child has a reasonable basis for requesting that the Child not be released.

1. It is in the Child’s best interest to be placed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ pending an assessment. The Child cannot be safely maintained in his/her home, in a relative placement, in a kinship placement, or in a family foster home because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Said placement is the least restrictive placement that can meet the Child’s needs at this time for the reasons stated herein.
2. The Court finds responsibility for the placement and care of the Child is ordered or continues to be ordered to Probation.
3. The court further finds that the legal settlement of the Child is \_\_\_\_\_\_\_\_\_\_ and the Probation Officer shall provide notice required by IC 20-26-11-9.
4. The Court ORDERS completion of an assessment by a Qualified Individual within thirty (30) days of the Child’s placement in a QRTP to determine whether a QRTP or another placement is an appropriate setting for the Child pursuant to 42 U.S.C. § 675a(c)(1)(A). A Determination Report shall be filed with the Court upon its completion, and prior to the Review Hearing set herein.
5. DCS or the Probation Officer shall assemble a Family and Permanency Team for the Child. The Qualified Individual conducting the assessment shall work in conjunction with the family, and Family and Permanency Team of the Child while conducting and the assessment.
6. The Family and Permanency Team shall consist of all appropriate biological family members, relative, and fictive kin of the Child, as well as, as appropriate, professionals who are a resource to the family of the Child, such as teachers, medical or mental health providers who have treated the Child, or clergy. In the case of a Child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the Child that are selected by the Child in accordance with 42 U.S.C. § 675a(c)(1)(B).
7. This matter shall be set for a Review Hearing on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ at \_\_\_\_\_\_\_\_\_\_ \_\_.m. to review the propriety of residential placement and to formally approve or disapprove placement or continued placement. [Note: a hearing must be held (and Order must be entered) within 60 days of the Child’s placement at a QRTP. Courts should consider setting hearing within 45 days to allow time for entry of Order.]

So ORDERED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

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

Judge