STATE OF INDIANA

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

In The Matter of: )

) **WRITTEN FINDINGS,**

) **RECOMMENDATIONS & 48 HOUR**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,) **ORDER REGARDING**

**PROBABLE CAUSE**

A Child Alleged to be a Delinquent Child)

Age: \_\_\_\_\_\_\_\_\_ (D/O/B): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

Based upon information received and affirmed under the penalties of perjury from, \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_ at \_\_\_\_\_\_\_\_\_\_\_.M. The Court now FINDS as follows:

That with regard to such detention the following information is true:

a. Time of arrest (24 hour local time): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Date of arrest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. Arresting agency/officer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

d. Place of detention: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

That based upon the information provided, the Court:

( ) FINDS no probable cause to exist for any offense and that said child should be released to the custody of child’s parent, guardian or custodian or the child’s own recognizance.

( ) FINDS probable cause to believe that said child committed the following offense or offenses:

a.

Count: Specific Offense/Class Statutory Cite

1)

2)

3)

4)

**VIOLENT OFFENDER:**

1. Pursuant to Indiana Code 35-38-2.5-4 and Indiana Code 11-8-1-9, the Court finds the child to be a violent offender.
2. The Court finds the child is not a violent offender.

**CONDITIONAL RELEASE:**

1. The child is hereby released to the care of \_\_\_\_\_\_\_\_\_, being willing to take physical custody of the child, promises to bring the child before the Court as requested.
   1. The Court may impose conditions on the child’s parent, guardian, or custodian to ensure:
      1. The safety of the child’s physical or mental health;
      2. The public’s physical safety; or
      3. That any combination of subdivisions (i) and (ii) is satisfied.

*(or)*

1. The child is hereby released to the care of \_\_\_\_\_\_\_\_\_, being willing to take physical custody of the child, promises to bring the child before the Court as requested. The Court Orders the child conditionally released to \_\_\_\_\_ on the following conditions:
   1. Home detention (if violent offender is released on home detention electronic monitoring is mandatory pursuant to I.C. 35-38-2.5-12(b)):
   2. Electronic monitoring;
   3. A curfew restriction;
   4. A directive to avoid contact with specified individuals until the child’s return to the juvenile court at a specified time;
   5. A protective order;
   6. A no contact order;
   7. A directive to comply with Indiana law; or
   8. Any other reasonable conditions on the child’s actions or behavior.

**DETENTION:**

1. The Court takes judicial notice of its prior findings and Orders in this matter and further finds:

*[The child is under 12 and:*

*( ) the child poses an imminent risk of harm to the community; or*

*( ) the court makes a written finding that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk;](****Omit this section if child is OVER 12****.)*

( ) The child is unlikely to appear for subsequent proceedings (or);

( ) Detention is essential to protect the child and the community (or);

( ) The parent, guardian or custodian cannot be located or is unable or unwilling to take custody of the child *(see I.C. 31-37-7-1)* (or);

( ) Return of the child to the child’s home is or would be contrary to the best interests and welfare of the child and harmful to the safety or health of the child because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; *(see I.C. 31-37-7-1) (or);*

( ) The child has a reasonable basis for requesting that the child not be released *(see I.C. 31-37-7-1) (or).*

( )The child should be removed from the home of \_\_\_\_\_\_ because he/she is a threat to himself/herself and the community based on the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ; and

The order for placement is most appropriate and in the best interest of the child.

1. A Detention Screening Tool was utilized, is incorporated in this Order by reference, and the results of said tool are as follows *[if court chose to detain when results did not warrant detention, include reasoning and rationale for doing so]*:

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. The Court Orders the child detained in (secure)(non-secure) custody at \_\_\_\_\_\_\_\_\_. Said placement is in the least restrictive placement in child’s best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement is determined to be an emergency required to protect the health and welfare of the child.

(If non-secure placement is ordered) The court shall provide the Department of

Child Services (DCS) with a copy of this order. DCS may submit to the court within three business days after receipt of this order a report stating its concurrence in the placement or any recommendation for an alternative placement.

***If the child has been removed from the home, complete this section:***

**( ) The Court finds that reasonable efforts to prevent or eliminate removal of the child were not required due to the emergency nature of the situation, as follows:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**-or-**

**( ) The Court finds that reasonable efforts were made by the probation department 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 the probation department and/or all other service providers filed herein are incorporated by reference.**

**-or-**

**( ) The Court finds that reasonable efforts were made by the probation department to prevent or eliminate the need for removal of the child, including:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**The Court finds responsibility for the placement and care of the child is ordered or continues to be ordered to the probation department of \_\_\_\_\_\_\_\_\_\_\_ county.**

A detention hearing should be held pursuant to IC 31-37-6 on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_ or as soon thereafter as the matter may be heard by the Court and that such Intake Officer should notify said juvenile and said juvenile's parent, guardian or custodian of same.

SO ORDERED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

Judge

Cc: Department of Child Services