

219c

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF

Name \_\_\_\_\_  
DOB xx /xx / \_\_\_\_ A  male  female

Case No. \_\_\_\_\_

Name \_\_\_\_\_  
DOB xx /xx / \_\_\_\_ A  male  female

Case No. \_\_\_\_\_

Name \_\_\_\_\_  
DOB xx /xx / \_\_\_\_ A  male  female

Case No. \_\_\_\_\_

**\*INDIAN CHILD WELFARE ACT**

**PERMANENCY HEARING ORDER AFTER CRB HEARING**

Pursuant to K.S.A. 38-2203(a), 38-2264 and 25 U.S.C. § 1901 *et seq.*

*CRB report must be attached.*

*(Orders pertaining to more than one child must include findings specific to each child listed in the caption.)*

NOW on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the above-captioned matters come on for Adoption of the Citizen Review Board permanency hearing recommendations, which are attached.

THE COURT FINDS jurisdiction and venue are proper. Notice to parties, interested parties and those required to receive notice has been given as required by law.

The Court finds that  **each child named above or**  **the child** \_\_\_\_\_ is an Indian child as defined by the Indian Child Welfare Act (ICWA) and notice as required by ICWA has been timely provided. A petition requesting the transfer of jurisdiction to the Tribe  **has not been filed**  **was filed and the transfer of jurisdiction was denied**  **was filed and the transfer of jurisdiction was declined**, and the Court has jurisdiction to proceed.

The Court, having reviewed the file and recommendations of the Citizen Review Board,  **approves and adopts the proposed permanency plan as the plan for permanency in the present matter or**  **does not approve the proposed permanency plan and orders a new permanency plan submitted to the Court within 30 days.**

THE COURT FURTHER FINDS THAT:

1. The progress to achieve the goals of the former permanency plan
  - is**  **is not** adequate as to (Name) \_\_\_\_\_
  - is**  **is not** adequate as to (Name) \_\_\_\_\_
  - is**  **is not** adequate as to (Name) \_\_\_\_\_.

2.  a. Reasonable efforts have been made to accomplish the permanency goal(s)

of reintegration adoption permanent custodianship placement with a relative other planned permanent living arrangement of

(Identify)\_\_\_\_\_

(Specify basis for finding for each child.)\_\_\_\_\_

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

or

b. Reasonable efforts set out in the permanency plan have not been made.

(Specify basis for finding for each child.)

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

or

c. Reasonable efforts to reunify the child(ren) and the family are not required because reintegration is not a viable alternative. (Specify basis for finding.)

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

3.  Active efforts have been made to accomplish the goal of reintegration. or  
 Active efforts to reunify the child(ren) and the family are not required. or  
 Active efforts to reunify the child(ren) and the family have not been made.

(Specify basis for finding for each child.) \_\_\_\_\_

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

4. Continued out of home placement is necessary is not necessary for the safety of: NAME: \_\_\_\_\_ because (complete only if "is necessary" is checked)\_\_\_\_\_

Continued out of home placement is necessary is not necessary for the safety of: NAME: \_\_\_\_\_ because (complete only if "is necessary" is checked)\_\_\_\_\_

Continued out of home placement is necessary is not necessary for the safety of: NAME: \_\_\_\_\_ because (complete only if "is necessary" is checked)\_\_\_\_\_

Continued out of home placement is necessary is not necessary for the safety of: NAME: \_\_\_\_\_ because (complete only if "is necessary" is checked)\_\_\_\_\_

of: NAME: \_\_\_\_\_ because (complete only if "is necessary" is checked) \_\_\_\_\_

- 5. The child(ren)'s needs are are not being adequately met.
- 6. The Court has considered in-state and out-of-state permanent placement options. The child(ren) is is not in out-of-state placement, and such placement continues does not continue to be appropriate and in the best interest of the child(ren).

- 7.  a. Reintegration may be continues to be a viable alternative for:  
(Check appropriate status from list below:)

NAME: \_\_\_\_\_ Status:  1  2  3  4

NAME: \_\_\_\_\_ Status:  1  2  3  4

NAME: \_\_\_\_\_ Status:  1  2  3  4

- (1) The child(ren) should not be reintegrated until further order of the Court.
- (2) The child(ren) may return home immediately with a target date of \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  if the following conditions are met:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (3) Services set out in the permanency plan necessary for a safe return of the child(ren) have not been made available to the parent with whom reintegration was planned.

- (4) Within 30 days, a new plan for reintegration should be prepared and submitted to the Court with measurable goals, objectives and time frames.

or

- b. Reintegration may not be is no longer a viable alternative for:  
(Check appropriate status from list below:)

NAME: \_\_\_\_\_ Status:  1  2  3  4

NAME: \_\_\_\_\_ Status:  1  2  3  4

NAME: \_\_\_\_\_ Status:  1  2  3  4

- (1) The child(ren) is in a stable placement with a relative.
- (2) Services set out in the permanency plan necessary for a safe return of the child(ren) have been made available to the parent with whom reintegration was planned.
- (3) Either adoption or permanent custodianship might be in the best interests of the child(ren) and the County/District Attorney or designee shall file a pleading to terminate parental rights or a pleading to establish a permanent custodianship within 30 days.
- (4) Permanent custodianship and adoption have been considered and the state has

documented a compelling reason in support of another planned permanent living arrangement.

8. The previous orders of this Court  shall continue in full force and effect  except as hereby modified  are hereby rescinded and the following orders are hereby issued pursuant to K.S.A.38-2255: \_\_\_\_\_

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

9. THE COURT FURTHER FINDS:

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

10. THE COURT ORDERS that the following CRB recommendations, set out in the attached report, are adopted as the order of the Court: *(List the adopted recommendations in full or by the numbers corresponding to those in the report.)*

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

11. THE COURT FURTHER ORDERS all providers of services including educational services, treatment, education or care of the child and family, even if not specifically referred to herein, to provide information including any and all educational records to the secretary, any entity providing services to the child and family, counsel for the parties including the county or district attorney, appointed CASA, Citizen Review Board members, the court, and each other to the extent needed to ensure the safety of the child, prevent further abuse or neglect, and to provide appropriate treatment, care and services to the child and family. This order encompasses and complies with the provisions of the Family Education Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. 99 and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. 164.512(e)(1).

THE COURT FURTHER ORDERS this matter set for \_\_\_\_\_ hearing before  the Court  the CRB on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_:\_\_\_\_\_  a.m  p.m.

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_,\_\_\_\_\_.

\_\_\_\_\_

## Judge of the District Court

## Authority

K.S.A. 38-2203, 38-2264, 25 U.S.C. § 1901 *et seq.*

## Notes on Use

This is the form for use when a Citizen Review Board has conducted a permanency hearing. The CRB report, with recommendations, must be attached, and no other journal entry is required or advised.

Supreme Court Administrative Order No. 155 applies and requires the use of this form or another form approved by the Supreme Court as meeting ASFA requirements. Failure to make and properly document the findings required by ASFA will result in the loss of federal funding. Federal funding is not available when the court finds reasonable efforts have not been made unless the court also finds the efforts were not required. The loss of federal funding continues until the court finds reasonable efforts have been made, or are not required, and the court's findings are properly documented. In addition to the findings related to reasonable efforts required by ASFA and Kansas law, the court should determine if active efforts to reunify the child and family were made.

A permanency hearing shall be held within 12 months of the date the child entered out of home placement, and at least every 12 months thereafter. If the court finds at any time other than during a permanency hearing (as in a review hearing) that reintegration may not be a viable alternative, then a permanency hearing shall be held within 30 days of that determination. A permanency hearing may be conducted by the court or by a citizen review board. The purpose of the hearing is to determine progress toward the goals of the permanency plan, as defined by K.S.A. 38-2263. Notice of a permanency hearing is dictated by K.S.A. 38-2265.

The court, based on citizen review board recommendations, shall determine whether the child will be reintegrated with a parent, placed for adoption, placed with a permanent custodian, or placed in another planned permanent living arrangement. As set out in the form, the court shall make reasonable efforts findings. Upon finding that reintegration continues to be a viable alternative, the court may rescind prior dispositional orders and enter any dispositional order authorized by the code, or order that a new reintegration plan be prepared. Upon finding that reintegration is no longer a viable alternative, the court shall make the considerations and findings set out in the form. If reintegration is not a viable alternative and either adoption or appointment of a permanent custodian might be in the best interests of the child, then the county or district attorney shall file a motion to terminate parental rights or a motion to appoint a permanent custodian within 30 days, and the court shall set a hearing on such motion within 90 days of the filing of the motion.

When the term "or" stands alone between optional findings/orders, more than one choice may be checked. Each choice checked must be justified as instructed, e.g. *specify basis for finding.*