

221c
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 AFTER CRB HEARING
POST-TERMINATION

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 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 finds that termination/relinquishment of all parental rights occurred on _____

_____.

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. (*Specify basis for findings for each child*): _____

2. Reasonable efforts **have** **have not** been made to accomplish the permanency goal of **adoption** **permanent custodianship** **placement with a relative** **other planned permanent living arrangement of** _____
(*Specify basis for findings for each child*) _____

3. 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).

4. The children’s needs **are** **are not** being adequately met.

THE COURT FURTHER FINDS:

_____.

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.*)

_____.

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

Note to Clerk: Reintegration is not an option.

Authority

K.S.A. 38-2203(a), 38-2264 and 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.

After termination of parental rights, permanency hearings continue to be required at least every 12 months from the date the child first entered out of home placement. Termination of parental rights does not change the requirement for permanency hearings, and they shall continue until the child is adopted or a permanent custodian is appointed. During the permanency hearing the court shall consider whether reasonable efforts have been made to achieve the case plan goals. If the court determines that reasonable efforts have not been made or progress is not sufficient, the court may rescind its prior orders and enter other orders regarding custody and adoption that are appropriate under the circumstances. K.S.A. 38-2264(h).

The date of termination or relinquishment of parental rights should be recited for each child and parent as set out in the form.

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.*