

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. _____

*** COMBINED JOURNAL ENTRY AND ORDER**
OF REHEARING OF DISPOSITION

Pursuant to K.S.A. 38-2256 and 42 U.S.C. § 671 *et seq.*

Now on this _____ day of _____, _____, the above-captioned matter comes on for rehearing of disposition before Judge _____, on the Court's own motion on the motion of _____.

The Court finds that each child named above has been adjudicated a Child in Need of Care, and that the Indian Child Welfare Act (ICWA) is not applicable. (*If ICWA is applicable use form 228.*)

The Court finds that jurisdiction and venue are proper. Notice to parties, interested parties and those required to receive notice has been given as required by K.S.A. 38-2254.

- The petitioner appears by _____ County/District Attorney or designee other _____.
- The child(ren) appears in person and not in person, but by the child(ren's) guardian *ad litem*, _____.
- Name of Mother, the mother appears in person *pro se* appears in person, and through her attorney, _____ appears not in person, but by and through her attorney _____ does not appear.
- Name of Father, the father putative father of Name of child, appears in person *pro se* appears in person, and through his attorney, _____ appears not in person, but by and through his attorney, _____ does not appear.
- Name of Father, the father putative father of Name of child, appears in person *pro se* appears in person, and through his attorney, _____ appears not in person, but by and through his attorney, _____ does not appear.

- voluntary manslaughter of another child of the parent as provided above;
 - committed a felony battery that resulted in bodily injury to the child or another child of the parent;
 - subjected the child to aggravated circumstances as defined in K.S.A. 38-2202(c);
 - parental rights of the parent to a sibling have been terminated involuntarily.
- (Specify determining factors.) _____
- _____
- _____

or

- Reasonable efforts have not been made. (Specify basis for finding for each child.)

or

- Reasonable efforts **have been made** **have not been made** to facilitate the permanency plan. (Specify basis for finding for each child.) _____

THE COURT FURTHER FINDS THAT **the child(ren) is likely to sustain harm if not immediately removed from the home;** **remaining in the home or returning home would be contrary to the welfare of the child(ren);** and/or **immediate placement is in the best interest of the child(ren),** specifically: (Specify basis for finding for each child.)

Name: _____

Name: _____

Name: _____

- THE COURT FURTHER FINDS:

THE COURT THEREFORE ORDERS THAT the above named child(ren) **shall be** **shall remain** placed in the custody of:

- The Secretary, or
- _____

and

- A child support order shall issue.
- Each parent shall submit information to the child support office for a child support order to be prepared, or present documentation of a current child support order within ____ days.

THE COURT ORDERS all providers of services, treatment or care of the child and family, even if not specifically referred to herein, to provide information 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 to the child and family. This order encompasses the provisions of 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:

- A restraining order shall be filed against _____.

- The Secretary** **Court Services** _____ shall complete reports and submit them to the Court by _____.

THE COURT FURTHER ORDERS this matter set for review hearing before **the Court** **the CRB** on the ____ day of _____, _____, at _____ **a.m.** **p.m.** and for permanency 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. 38-2256 and 42 U.S.C. § 671 *et seq.*

Notes on Use

This is the only form for rehearing, complete with a recitation of appearances and space for findings and orders. There is no short form, and a separate journal entry drafted by counsel is neither required nor advised.

If the court, in issuing this order, removes the child from the home, and if it is the first order removing the child from the home or the first order of removal when the child has been home for six months or longer (as in an informal supervision), 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 for the placement, or any subsequent placement, of the child in the present case. 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. Finding that reasonable efforts were not made does not bar the court from removing the child and failure to make these findings does not bar the court from removing the child.

The court may enter any dispositional order authorized by the code after notice as required by K.S.A. 38-2254 and a rehearing. However, a child support order registered under K.S.A. 38-2279 may only be modified pursuant thereto.

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.*