

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. _____

EMERGENCY CHANGE OF PLACEMENT FINDINGS ORDER

Pursuant to K.S.A. 38-2259

Now on this _____ day of _____, _____, the Court considers the Secretary's request for findings relating to the emergency change of placement of the child(ren) named above which occurred on the _____ day of _____, _____. **The Court relies on the documentation submitted by the Secretary and there are no appearances or** **The matter comes on for hearing and the following appear:**

- 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.**
- 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.
- (Other parent appearances) _____

- Interested parties appearing are:

- The Secretary is present through _____

- Also present is/are: _____

THE COURT FINDS that this emergency change of placement is the removal of the child(ren) from the home of a parent after having been placed in the home for a period of six months or longer and the Court finds that: *(The following sections including “reasonable efforts” and “contrary to welfare” language must both be completed.)*

1. **an emergency existed requiring immediate removal to assure the safety and protection of the child(ren) and could not have been avoided with reasonable efforts** or **an emergency did not exist and immediate removal was not necessary to assure the safety and protection of the child(ren).**

- 2 the child(ren) was likely to have sustained harm if not immediately removed from the home *(Specify basis for finding for each child)* _____

or

allowing the child(ren) to remain in the home would have been contrary to the welfare of the child *(Specify basis for finding for each child)* _____

or

immediate placement of the child(ren) was in the best interest of the child(ren)

(Specify basis for finding for each child) _____

Judge of the District Court

Authority

K.S.A. 38-2259.

Notes on Use

The secretary may change the placement of a child and move a child without notice and prior court approval when an emergency exists. The secretary shall notify the court of the action at the earliest practical time, and shall request a contrary to welfare finding by the court if the child was removed from the home after having been placed in the home for a period of six months or longer. In entering an order in response to this request, the court shall make a finding as to whether an emergency existed, as provided in the form. The court may enter the order based on documentation submitted by the secretary, or the court may set the matter for hearing. The court shall provide the secretary with a written copy of the order within 45 days of the date of the request.