

170a
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. _____

***PERMANENCY HEARING ORDER FOR CHILD IN NEED OF CARE**

Pursuant to K.S.A. 38-2264

Separate journal entry 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 _____, 20_____, the above-captioned matters come before the Court to determine progress being made to achieve the current permanency plan goal(s) of _____.

The Court finds that the Indian Child Welfare Act (ICWA) is not applicable. *(If ICWA is applicable use form 219a.)*

A journal entry reciting appearances, findings and orders is attached.

THE COURT FINDS AND ORDERS THAT:

1. a. Appropriate public or private agencies have made reasonable efforts to assist and support the family to accomplish the current permanency goal(s) set out in the permanency plan. *(Specify basis for finding for each child.)* _____

OR

- b. Appropriate public or private agencies have not made reasonable efforts to assist and support the family to accomplish the current permanency goal(s) set out in the permanency plan. *(Specify basis for finding for each child and when they may be*

reviewed.) _____

_____.

2. The progress of the parents or child to achieve the permanency plan goal(s) of _____

is is not adequate (specify basis for finding for each child.) _____

_____.

3. The child's needs are are not being adequately met. (If the child's needs are not being met, explain.) _____

_____.

4. The Court has considered in-state and out-of-state permanent placement options. The child 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.

5. a. Reintegration **continues to be** a viable goal and (Check choice(s).)

the child should not be reintegrated until further order of the Court.

the child may return home immediately with a target date of _____ day of _____, 20____, if the following conditions are met:

_____.

within 30 days, a new plan for reintegration should be prepared and submitted to the Court with measurable goals, objectives and time frames.

the new plan for reintegration shall include a concurrent goal of

adoption.

permanent custodianship.

placement with a relative.

other planned permanent living arrangement of (Identify) _____

_____.

OR

- b. Reintegration **is no longer** a viable goal and (*Check choice(s).*)
 - the child is in a stable placement with a relative.
 - either adoption or permanent custodianship might be in the best interests of the child; services set out in the permanency plan necessary for the safe return of the child have been made available to the parent(s) with whom reintegration was planned; 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; a new plan should be prepared and submitted to the Court with measurable goals, objectives and time frames to achieve adoption permanent custodianship.
 - adoption and permanent custodianship have been considered but are not in the child's best interest at this time, and a new plan should be prepared and submitted to the Court with measurable goals, objectives and time frames to achieve another planned permanent living arrangement of (*Identify*)

 _____.

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 _____, 20____, at _____:____ **a.m** **p.m.**

IT IS SO ORDERED THIS _____ day of _____, 20_____.

 Judge of the District Court

Authority

K.S.A. 38-2264.

Notes on Use

This is the short form for use in conjunction with a journal entry drafted by counsel that recites the appearances, findings and orders of the court. Form 170b, the long form, may be used without a separate journal entry, as it includes a recitation of appearances and space for findings and orders of the court. Form 107 should be used if this is the first order relieving a parent of custody and authorizing out of home placement.

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. The loss of federal funding continues until the court finds reasonable efforts have been made and the court's findings are properly documented.

When a court has reason to believe a child involved in a child in need of care proceeding is an Indian child, ICWA applies; notice requirements, findings and procedure are dictated by ICWA, and the ICWA forms (Forms 210 – 223) must be used. The circumstances under which a court has reason to believe a child is an Indian child include, but are not limited to, the following: any party to the case, Indian tribe, or agency informs the court that the child is an Indian child; any agency involved in child protection services or family support has discovered information suggesting that the child is an Indian child; the child gives the court reason to believe he or she is an Indian child; the residence of the child, parent(s), or custodian is known to be a predominantly Indian community; a parent of the child is enrolled in a tribe; or an officer of the court has knowledge that the child may be an Indian child. Removal of an Indian child from the home is prohibited without the specific findings required by ICWA either entered with the order of removal, or within 90 days if the removal was due to an emergency. Department of the Interior, BIA Guidelines for State Courts, Indian Child Custody Proceedings.

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, K.S.A. 38-2208(c) requires a hearing before the court at least once a year. 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, after hearing or 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 the finding for each child.*