

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 _____, _____, the above-captioned matters come on before Judge _____ for a permanency hearing **to establish a permanency plan and/or** **for review of the plan for permanency, progress being made towards the goals of the plan and the viability of those goals.**

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 **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 for each child.)* _____

_____.

- 3. 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)* _____
_____.

- 4. The child(ren)'s needs **are** **are not** being adequately met.
- 5. 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).
- 6. 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) Adoption and permanent custodianship have been considered and the state has documented a compelling reason in support of another planned permanent living arrangement.

THE COURT FURTHER 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 or 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 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. 38-2264.

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.

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.

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. 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 finding.*