

174.1

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____
DOB xx /xx / ____ A male female

EX PARTE
ORDER AUTHORIZING SECURE PLACEMENT FOR
VIOLATION OF VALID COURT ORDER TO REMAIN IN PLACEMENT

Pursuant to K.S.A. 38-2260

NOW on this ____ day of _____, _____, the Court considers the application for
authorization of secure placement, Judge _____ presiding. There are no
appearances.

THE COURT FINDS:

- 1. A valid court order to remain in placement was issued in the captioned matter on _____;
2. The child named above and the guardian ad litem were present on that date and informed orally of the order and the consequences of a violation of the order to remain in placement. A copy of the order was provided to the child and guardian ad litem;
3. The child named above was adjudicated herein on (date) pursuant to subsection (d)(6) (d)(7) (d)(8) (d)(9) (d)(10) (d)(12) of K.S.A. 38-2202;
4. Upon ex parte consideration of documentation that the child violated the valid court order to remain in placement filed herein, there is probable cause to believe that the child named above has violated the order to remain in placement without good cause. A hearing on the violation is scheduled for (Date and time, within 24 hours). The child shall be taken into custody for placement in a secure facility.
5. Based on a written report submitted to the Court, all other placement options have been exhausted or are inappropriate to the needs of the child.

THE COURT FURTHER FINDS THAT: (If this 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, the following reasonable efforts and contrary to welfare findings are required, see Notes on Use.)

- Reasonable efforts have been made and have failed to maintain the family and prevent the unnecessary removal of the child from the child's home, or
Reasonable efforts have not been made, or
Reasonable efforts are not required to maintain the child in the home because an emergency exists which threatens the safety of the child, or

Reasonable efforts **have been made** **have not been made** to facilitate the permanency plan.

(Specify basis for finding.) _____

THE COURT FURTHER FINDS THAT **remaining in the home or returning home would be contrary to the welfare of the child** and/or **immediate placement is in the best interest of the child**, specifically: (Specify basis for findings) _____

THE COURT THEREFORE ORDERS THAT the above named child **shall be** **shall continue to be** placed in the custody of:

The Secretary of Social and Rehabilitation Services, or

IT IS FURTHER ORDERED that the legal custodian of the child is authorized to place the child in a secure facility. This order shall expire 24 hours from its execution. It is further ordered that a copy of this order shall be given to the child named above, the guardian *ad litem*, the child's parents, and the child's legal custodian.

IT IS SO ORDERED.

Judge of the District Court

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order was served on the following persons as indicated below: (List name, manner of service, and date.)

Clerk of the Court/Deputy

Authority

K.S.A. 38-2260.

Notes on Use

If this 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 from the home and failure to make these findings does not bar the court from removing the child.

The court may enter an *ex parte* order directing that a child be held in a secure facility, which may be a juvenile detention facility, if the court finds probable cause to believe that the child violated a valid court order to remain in placement without good cause. The *ex parte* order shall be served on the child's parents, legal custodian and guardian *ad litem* pursuant to K.S.A. 38-2237. The court shall hold a preliminary probable cause hearing within 24 hours, not including Saturdays, Sundays or legal holidays, of the child being taken into custody under the *ex parte* order, see Form 174.2 paragraph 4A. Notice of the hearing shall be given orally or in writing to the child's parents, legal custodian and guardian *ad litem*. The court shall hold an evidentiary hearing, see Form 174.2 paragraph 4B, on an application for secure placement within 72 hours, not including Saturdays, Sundays or legal holidays, of the preliminary probable cause hearing. Notice of the hearing shall be given orally or in writing to the child's parents, legal custodian and guardian *ad litem*.