

188b
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. _____

***JOURNAL ENTRY OF PERMANENCY HEARING FOR CHILD IN NEED OF CARE-
POST-TERMINATION**

Pursuant to K.S.A. 38-2264

(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 for a permanency hearing before Judge _____ **to establish a permanency plan and/or** **for review of the plan for permanency or progress being made towards the goals of the plan and the viability of those goals.**

THE COURT FINDS jurisdiction and venue are proper. All required notices have been given. All parties, interested parties and any foster parents, pre-adoptive parents, and relatives providing care and current placement have been properly notified.

The Court finds that the Indian Child Welfare Act (ICWA) is not applicable. *(If ICWA is applicable use form 221b.)*

- 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*, _____.
- Interested parties appearing are: _____
- The Secretary is present through _____
- Also present is/are: _____

The Court finds that termination/relinquishment of all parental rights occurred on

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. (*Specify basis for findings for each child*): _____

2. Reasonable efforts **have** **have not** been made to accomplish the permanency goal of **adoption** **permanent custodianship** **placement with a relative** **other planned permanent living arrangement of** _____
(*Specify basis for findings for each child*) _____

3. 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).

4. The child(ren)'s needs **are** **are not** being adequately met.

THE COURT FURTHER FINDS:

THE COURT FURTHER ORDERS:

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 _____, _____, at _____
 a.m. p.m.

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

Judge of the District Court

Note to Clerk: Reintegration is not an option.

Authority

K.S.A. 38-2264.

Notes on Use

This is the long form and no other journal entry is required or advised. This form is complete in and of itself, reciting appearances and allowing 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.

After termination of parental rights permanency hearings continue to be required at least every 12 months from the date the child first entered out of home placement. Termination of parental rights does not change the requirement for permanency hearings, and they shall continue until the child is adopted or a permanent custodian is appointed. During the permanency hearing the court shall consider whether reasonable efforts have been made to achieve the case plan goals. If the court determines that reasonable efforts have not been made or progress is not sufficient, the court may rescind its prior orders and enter other orders

regarding custody and adoption that are appropriate under the circumstances. K.S.A. 38-2264(h).

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. Department of the Interior, BIA Guidelines for State Courts, Indian Child Custody Proceedings.

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.*

Comments

The court is authorized to rescind its prior custody order or adoptive placement when it determines the agency responsible for placement has not expended reasonable efforts to do so. *In re D.C.*, 32 Kan. App. 2d 962, 92 P.3d 1138 (2004).