

188c
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 AFTER CRB HEARING**
POST-TERMINATION

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 for adoption of the Citizen Review Board permanency hearing recommendations.

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

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

The Court, having reviewed the file and recommendations of the Citizen Review Board 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 child(ren)'s needs **are** **are not** being adequately met.

4. 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).

THE COURT ORDERS that the following CRB recommendations, set out in the attached report, are adopted as the order of the Court: (List the adopted recommendations in full or by the numbers corresponding to those in the report.)

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 form for use when a Citizen Review Board has conducted a permanency hearing. The CRB report, with recommendations, must be attached, and no other journal entry is required or advised.

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.*