

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile
DOB xx /xx / ____ A male female

Case No. _____

***ORDER AUTHORIZING REMOVAL OF JUVENILE**

Pursuant to Supreme Court Administrative Order 155

Separate journal entry or order must be attached

On this ____ day of _____, 20____, this matter comes before the Court,
Judge _____ presiding.

THE COURT HEREBY FINDS THAT: *(Check all that apply)*

Reasonable efforts **have been made and have failed** **have not been made** to maintain the family and prevent the removal of the juvenile from the juvenile’s home as follows:
(Specify basis for finding.) _____

and/or

Reasonable efforts are not required to maintain the juvenile in the home because an emergency exists which threatens the safety of the juvenile. *(Specify basis for finding.)*

and/or

Reasonable efforts are not required due to the risk to public safety, specifically:
(Specify basis for finding.) _____

and/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 is contrary to the welfare of the juvenile** and/or **immediate placement is in the best interest of the juvenile.** (Specify basis for finding.) _____

or

The Court has determined that the juvenile's removal from the home is due to the risk the juvenile presents to the safety of the community and a contrary to the welfare finding is not necessary. (Specify basis for finding.) _____

THE COURT THEREFORE ORDERS THAT the following order for removal shall issue: (Attach the following order for removal to this Order Authorizing Removal.)

- Warrant (Form 311, attach copy hereto.)
- Order for detention (Form 314 or 316, attach original hereto.)
- Order committing incompetent juvenile (Form 324 or 325, attach original hereto.)
- Adjudication with temporary custody order (Form 341, attach original hereto.)
- Adjudication with immediate sentencing (Form 342, attach original hereto.)
- Sentencing order (Form 350 or 351, attach original hereto.)
- Probation violation order (Form 370, attach original hereto.)
- Modification of sentence order (Form 373, attach original hereto.)
- Order rescinding conditional release/aftercare (Form 376, attach original hereto.)

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

- The Commissioner, or
- _____

and

- A child support order shall issue.
- Each parent shall submit information to the child support office for a child support order to be prepared, or present documentation of a current child support order within ____ days.

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

Authority

K.S.A. 38-2334, 38-2336, and Supreme Court Administrative Order No. 155.

Notes on Use

This form provides for the requirements of the Adoption and Safe Families Act (ASFA), 42 USC 671 *et seq.*, as set out in K.S.A. 38-2334 and 38-2335, and Supreme Court Administrative Order No. 155. Those requirements mandate the use of this form or another ASFA form approved by the Supreme Court when a juvenile is removed from the home. It must be attached to a journal entry of the proceeding in which removal was ordered by the court, or the order directing removal if there was no hearing, as in the circumstances of a warrant. The original journal entry or order must be attached except when the order is a warrant. A copy of the warrant is permitted to be attached, because the original warrant is issued to law enforcement for execution.

Prior to an order removing a juvenile from the home, or removing a juvenile from the home after 6 months placement in the home, reasonable efforts findings must be made to comply with K.S.A. 38-2334 and 38-2335. Also required is a “contrary to the welfare” or “best interest finding”, unless the juvenile is removed from the home due to the risk the juvenile poses. Those findings are set out in this form.

There is language provided to allow a child support order to issue, or to require the parents to provide information so that a child support order may be issued. The juvenile justice code requires the court to order child support, unless good cause is shown to the contrary. K.S.A. 38-2319.

If a juvenile is removed due to the risk the juvenile poses to the community or public safety, and reasonable efforts are not required for that reason, federal funding is not provided to support the

placement.

*This form has been approved by the Judicial Administrator pursuant to Supreme Court Administrative Order No. 155, first entered September 22, 2000.