

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF

Name \_\_\_\_\_ Case No. \_\_\_\_\_  
Year of Birth \_\_\_\_\_ A  male  female

**\*EX PARTE ORDER OF PROTECTIVE CUSTODY**

Pursuant to K.S.A. 38-2242 and 42 U.S.C. 671 *et seq.*

*(Orders pertaining to more than one child must include findings specific to each child listed in the caption.)*

*(If the court knows or has reason to know the child is an Indian child, use Form 207)*

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ this matter comes before the Court.

The Court asked each participant if the participant knows or has a reason to know the child is an Indian child. The Court finds there is no reason to know that the child is an Indian child and the Indian Child Welfare Act does not apply. *(If the court knows or has reason to know that the child is an Indian child, use ICWA Form 207.)*

THE COURT FURTHER FINDS that there is probable cause to believe that the allegations in the application for protective custody are true and:

Appropriate public or private agencies have made reasonable efforts but have failed to maintain the family and prevent the removal of the child from the child’s home **or** reasonable efforts are not required to maintain the child in the home because an emergency exists which threatens the safety of the child as follows: *(Specific findings of fact must be written here)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AND**

The child is likely to sustain harm if not immediately removed from the home; remaining in the home or returning to the home would be contrary to the welfare of the child; **and/or**, immediate placement is in the best interest of the child. *(Specific findings of fact must be written here)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- A grandparent has requested custody and, in evaluating what custody, visitation and residency arrangements are in the best interests of the child, substantial consideration is given to (1) the wishes of the parents, child, and grandparent; (2) the extent that the

grandparent has cared for the child; the intent and circumstances under which the child is placed; and (3) the physical and mental health of all involved individuals.

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

- \_\_\_\_\_, a parent.
- \_\_\_\_\_, a relative.
- \_\_\_\_\_, an unlicensed person with close emotional ties to the child.
- \_\_\_\_\_, a youth residential facility.
- \_\_\_\_\_, a shelter facility.
- \_\_\_\_\_, a staff secure facility.
- \_\_\_\_\_, a juvenile crisis intervention center.
- The Secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

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).

- Visitation during protective custody pursuant to K.S.A. 38-2242(b)(2) is not in the best interest of the child and is prohibited.
- A restraining order shall be filed against \_\_\_\_\_.
- IT IS FURTHER ORDERED that any duly authorized law enforcement officer of the jurisdiction where the child can be found shall take the child named above into custody and deliver the child to \_\_\_\_\_.

THE COURT FURTHER ORDERS this matter set for \_\_\_\_\_ hearing before the Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_  a.m.  p.m.

IT IS SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.