

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

Name _____

Case No. _____

Year of Birth _____ A ☐ male ☐ female

**INITIAL ORDER REMOVING CHILD FROM CUSTODY OF PARENT
AND AUTHORIZING OUT OF HOME PLACEMENT**

K.S.A. 38-2244, 38-2251, 38-2255, 38-2258, 38-2259 and 42 U.S.C. §671 *et seq.*

Separate journal entry or order must be attached.

*(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, Form 209 must be used.)*

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

THE COURT HEREBY FINDS:

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 that the above named child shall immediately be placed in the custody of:

- ☐ _____, relative; a person who need not be licensed; a youth residential facility; a shelter facility; a staff secure facility; juvenile crisis intervention center;

OR

- ☐ The Secretary if the child is 15 years of age or younger, or if the child is 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).

- ☐ A restraining order shall be filed against _____.

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_____.

- ☐ The court provided the parents, grandparents and/or interested parties, who were present at this hearing and who had not previously received them, with informational materials pertaining to their respective rights and responsibilities in connection with the proceedings.