

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

Name _____ Case No. _____
Year of Birth _____ A male female

***JOURNAL ENTRY AND ORDER OF TEMPORARY CUSTODY**

Pursuant to K.S.A. 38-2243 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.)

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. Parties shall inform the court if they subsequently receive information that provides reason to know the child is an Indian child. *(If there is a reason to know that the child is an Indian child, use ICWA Form 208.)*

The Court finds that jurisdiction and venue are proper. Notice to parties, interested parties and those required to receive notice has been given as required by law.

The petitioner appears by _____ **County/District Attorney or designee** **other** _____.

The child appears **in person, and** **not in person, but** by the child's guardian *ad litem*, _____.

_____, the mother **appears in person *pro se*** **appears in person, and through her attorney,** _____ **appears not in person, but by and through her attorney,** _____ **does not appear.**

_____, the **father** **putative father** of _____, **appears in person *pro se*** **appears in person, and through his attorney,** _____ **appears not in person, but by and through his attorney,** _____ **does not appear.**

(Other parent appearances) _____

Interested parties appearing are: _____

The Secretary appears through: _____

Also present: _____

THE COURT FURTHER FINDS there is probable cause to believe that the allegations in the application for 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)*

THE COURT FURTHER FINDS:

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 be** placed in the temporary 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.

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 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:

- A restraining order shall be prepared by _____, filed, and served upon _____.
- The Secretary** **Court Services** _____ shall complete reports and submit them to the Court by _____.

THE COURT FURTHER ORDERS this matter set for _____ hearing
before **the Court** **the CRB** _____ 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.