

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 ADJUDICATION

Pursuant to K.S.A. 38-2251 and 42 U.S.C. §671 *et seq.*

Now on this _____ day of _____, _____, the above-captioned matter comes on for hearing.

The Court finds that **the Indian Child Welfare Act (ICWA) is not applicable.** (*If there is reason to know the child is an Indian child, use ICWA Form 215.1.*)

The Court finds 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.**

Interested parties appearing: _____

The Secretary appears through _____

Also present: _____

1. THE COURT FURTHER FINDS THAT:

a. the guardian *ad litem* and parents of the child did submit to the Court a stipulation or statement of no contest to the petition pursuant to K.S.A. 38-2248, filed in the captioned matter. Upon inquiry the Court finds that it is knowingly and voluntarily offered and that there is a factual basis and accepts it.

OR

b. the Court received evidence and considered statements from the parties.

2. WHEREUPON, THE COURT FINDS:

a. the evidence is clear and convincing the child (*Show name of child on line*):

is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian; _____

is without the care or control necessary for the child's physical, mental or emotional health; _____

has been physically, mentally or emotionally abused or neglected, or sexually abused; _____

has been placed for care or adoption in violation of law; _____

has been abandoned or does not have a known living parent; _____

is not attending school as required by K.S.A. 72-3421 or 72-3120, and amendments thereto; _____

except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 21-6301(a)(14), and amendments thereto, or, except as provided in K.S.A. 38-2202(d)(12), did an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult; _____

- while less than 10 years of age, committed an act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-5102, and amendments thereto; _____

- is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian; _____

- is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee; _____

- has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused; _____

- while less than 10 years of age committed the offense defined in K.S.A. 21-6301(a)(14), and amendments thereto; _____

- has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; _____

- has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 21-6419, and amendments thereto; _____

and the child named above is a Child in Need of Care.

OR

- b. there is not sufficient evidence to support the petition.

HAVING SO FOUND, the Court ORDERS the following parties discharged:

_____.

3. The Court **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.**

4. THE COURT FURTHER FINDS:

5. THE COURT THEREFORE FINDS AND ORDERS:

**(If this is the first order removing a child from parental custody,
complete and attach Form 107.)**

- 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 the wishes of the parents, child, and grandparent; the extent that the grandparent has cared for the child; the intent and circumstances under which the child is placed; and the physical and mental health of all involved individuals.

The above named child **shall be** **shall remain** placed in the custody of:

_____, a parent.

_____, a relative.

_____, an unlicensed person with close emotional ties to the child.

_____, a youth residential facility.

_____, a shelter facility.

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.

6. 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).

7. THE COURT FURTHER ORDERS:

8. THE COURT FURTHER ORDERS all previous orders entered by this Court shall remain in effect except as herein modified.

A restraining order shall be filed against _____.

The Secretary **Court Services** _____ shall complete reports and submit them to the Court by _____.

THE COURT FURTHER ORDERS this matter set for dispositional hearing on the _____ day of _____, _____, at _____ a.m. p.m.

IT IS SO ORDERED THIS _____ day of _____, _____.