

164
IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

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

CHANGE IN PLACEMENT FINDINGS ORDER

Pursuant to K.S.A. 38-2258

Now on this _____ day of _____, _____, the Court considers the change of placement of the child named above. ☐ **The Secretary has requested findings relating to the change in placement; the Court relies on the documentation submitted by the Secretary and there are no appearances.** or ☐ **The matter comes on for hearing and the following appear:**

- ☐ 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 finds that:

- ☐ **the change in placement planned by the Secretary is not in the best interests of the child and the child remains in placement or the court recommends an alternative placement:**

_____.

OR

- ☐ **the change in placement planned by the Secretary is in the best interests of the child.**

- ☐ If the child is being removed from the home after six months, please see form 107.

IT IS SO ORDERED.

Authority

K.S.A. 38-2258.

Notes on Use

Except when an emergency exists, as provided in K.S.A. 38-2259, the secretary shall give written notice of any plan to move a child to a different placement if the child has been placed in a parent's or relative's home, or if the child has been in the same foster home or shelter facility for six months or longer, unless the move is to the selected preadoptive family for the purpose of facilitating adoption.

A parent, foster parent, guardian *ad litem* or child (if 12 years of age or more) may request a hearing on whether or not the change in placement is in the best interest of the child, or it may be heard on the court's own motion. When a hearing is requested or scheduled, the secretary shall not change the placement of the child, except for the purpose of adoption, unless the change is approved by the court. After hearing to review the secretary's planned change in placement, the court may find that the planned move is not in the best interest of the child, and the secretary shall make an alternative placement. The Court may authorize the move and make another placement. Or the court may approve the change in placement, finding that it is in the best interest of the child. If the court so finds and the change of placement is the removal of the child from the home, after having been placed in the home for six months or longer, ASFA requirements apply, and the court must make the reasonable efforts and contrary to welfare findings set out in the form. If a hearing is not requested, and the change of placement is the removal of the child from the home, after having been placed in the home for six months or longer, ASFA applies and form 107 should be used. In that case, the court may rely on documentation submitted to the court in making the findings. The court shall provide the secretary with a copy of the findings within 45 days of the request.