

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

Name _____

Case No. _____

Year of Birth _____ A ☐ male ☐ female

***QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT**
PERMANENCY HEARING
JOURNAL ENTRY AND ORDER

Pursuant to K.S.A. 38-2264 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 this is the first order removing a child from parental custody, complete and attach Form 107.)

NOW on this _____ day of _____, 20____, the above-captioned matters come before the Court to determine progress being made to achieve the current permanency plan goal(s) of _____.

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 child is 14 years of age or older and has been given notice of the time and place of the permanency hearing as required by law.

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 the appropriate ICWA form.)

☐ 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 AND ORDERS:

1. ☐ a. Appropriate public or private agencies have made reasonable efforts to assist and support the family to accomplish the current permanency goal(s) set out in the permanency plan.

OR

- ☐ b. Appropriate public or private agencies have not made reasonable efforts to assist and support the family to accomplish the current permanency goal(s) set out in the permanency plan.
2. The progress of the parents or child to achieve the permanency plan goal(s) of _____
_____ **is** ☐ **is not** adequate.
3. The child's needs ☐ **are** ☐ **are not** being adequately met. (*If the child's needs are not being met, explain.*) _____

4. The reasonable and prudent parenting standard ☐ **has been** ☐ **has not been** met. _____

5. The child ☐ **has had** ☐ **has not had** regular, on-going opportunities to engage in age or developmentally appropriate activities. _____

6. The Court has considered in-state and out-of-state permanent placement options. The child ☐ **is** ☐ **is not** in out of state placement, and such placement ☐ **continues** ☐ **does not continue** to be appropriate and in the best interest of the child.

7. ☐ a. The child is currently placed in a qualified residential treatment program. The ongoing assessment of the strengths and needs of the child **continues to support** that the needs of the child cannot be met through placement in a foster family home; placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child.

i. Treatment or service needs are being or will be met in the qualified residential treatment program. The child is expected to need the treatment or services for _____ more months.

ii. The Secretary has made the following efforts to prepare the child to be placed in a family home setting (*return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster home*):

OR

☐ b. The child is currently placed in a qualified residential treatment program. The ongoing assessment of the strengths and needs of the child **does not support** continued placement in a qualified residential treatment program.

8. ☐ a. Reintegration **continues to be** a viable goal and (*Check choice(s).*)

☐ the child should not be reintegrated until further order of the Court.

☐ the child may return home ☐ **immediately** ☐ **with a target date of _____ day of _____, 20____,** ☐ **if the following conditions are met:** _____

☐ within 30 days, a new plan for reintegration should be prepared and submitted to the Court with measurable goals, objectives and time frames.

☐ the new plan for reintegration shall include a concurrent goal of:

- ☐ adoption.
- ☐ permanent custodianship.
- ☐ placement with a relative.

OR

- ☐ b. Reintegration **is no longer** a viable goal and (*Check choice(s).*)
- ☐ the child is in a stable placement with a relative.
- ☐ either adoption or permanent custodianship might be in the best interests of the child; services set out in the permanency plan necessary for the safe return of the child have been made available to the parent(s) with whom reintegration was planned; the County/District Attorney or designee shall file a pleading to terminate parental rights or a pleading to establish a permanent custodianship within 30 days; a new plan should be prepared and submitted to the Court with measurable goals, objectives and time frames to achieve ☐ **adoption** ☐ **permanent custodianship**.
- ☐ adoption and permanent custodianship have been considered but are not in the child's best interest at this time, and a new plan should be prepared and submitted to the Court with measurable goals, objectives and time frames to achieve another planned permanent living arrangement of (*Identify*) _____

9. ☐ **The child is 14 years of age** or older and the court finds that the Secretary has made the following efforts to help the child prepare for the transition from custody to a successful adulthood. _____

10. The previous orders of this Court ☐ **shall continue in full force and effect** ☐ **except as hereby modified** ☐ **are hereby rescinded and the following orders are hereby issued pursuant to K.S.A. 38-2255:** _____

THE COURT FURTHER FINDS:

THE COURT FURTHER ORDERS:

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).

☐ 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** on the _____ day of _____, 20____, at ____:____ ☐ **a.m** ☐ **p.m.**

IT IS SO ORDERED THIS _____ day of _____, 20____.