

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 ORDER POST-TERMINATION BASED ON  
THE CITIZEN REVIEW BOARD HEARING FOR  
ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT  
(ONLY USE FOR CHILDREN 16 YEARS OF AGE OR OLDER)**

Pursuant to K.S.A. 38-2264 and 42 U.S.C. 671 *et seq.*

*CRB Report must be attached*

*(Orders pertaining to more than one child must include findings specific to each child listed in the caption.)*

NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above-captioned matter comes on for consideration of the attached Citizen Review Board permanency hearing recommendations.

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 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 Court finds termination/relinquishment of parental rights occurred on \_\_\_\_\_

THE COURT FURTHER FINDS:

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

2. The progress toward achieving 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 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.

5. The reasonable and prudent parenting standard  **has been**  **has not been** met. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The child  **has had**  **has not had** regular, on-going opportunities to engage in age or developmentally appropriate activities. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  The Court finds that at this time the child cannot return home, be placed with a fit and willing relative, a legal guardian or an adoptive parent because permanency efforts have been unsuccessful. (*Identify unsuccessful efforts*) \_\_\_\_\_  
 \_\_\_\_\_
9.  The Court finds the permanency plan to be another planned permanent living arrangement. It continues to not be in the best interest of the child to return home or be placed with a fit and willing relative, a legal guardian or an adoptive parent due to the following compelling reasons: (*List finding of facts*) \_\_\_\_\_  
 \_\_\_\_\_
10.  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. \_\_\_\_\_  
 \_\_\_\_\_
11.  The child was provided the opportunity to provide input on the preferred permanency outcome.
12. The Court, having reviewed the file and recommendations of the Citizen Review Board  
 **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.**
13.  The above name child shall remain in custody of the Secretary.
14. 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 ORDERS that the following CRB recommendations, set out in the attached report, are adopted as the order of the Court: (*List the adopted recommendations in full or by the numbers corresponding to those in the report.*)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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\_\_\_\_\_.

## Authority

K.S.A. 38-2264 and 42 U.S.C 671 *et seq.*

## Notes on Use

This is the form for use when a Citizen Review Board (CRB) has conducted a permanency hearing when Another Planned Permanent Living Arrangement (APPLA) is designated as the child's permanency plan and at the time of the hearing, the child is placed in a qualified residential treatment program (QRTP). The CRB report, with recommendations, must be attached, and no other journal entry is required or advised.

Supreme Court Rule 174 requires the use of this form or another form approved by the Supreme Court as meeting the Adoption and Safe Families Act (ASFA) requirements. Failure to make and properly document the findings required by ASFA will result in the loss of federal funding. Federal funding is not available when the court finds reasonable efforts have not been made unless the court also finds the efforts were not required. The loss of federal funding continues until the court finds reasonable efforts have been made and the court's findings are properly documented.

After termination of parental rights, permanency hearings continue to be required at least every 12 months from the date the child first entered out-of-home placement. Termination of parental rights does not change the requirement for permanency hearings, and they shall continue until the child is adopted, a permanent custodian is appointed or jurisdiction is terminated. During the permanency hearing the court shall consider whether reasonable efforts have been made to achieve the case plan goals. If the court determines that reasonable efforts have not been made or progress is not sufficient, the court may rescind its prior orders and enter other orders regarding custody and adoption that are appropriate under the circumstances. K.S.A. 38-2264(h).

If the permanency hearing is for a child 14 years of age or older, the court shall require notice of the time and place of the permanency hearing. The notice shall request the child's participation in the hearing by attendance or by report to the court. A sample report form may be obtained on the Kansas Judicial Council website or through the Office of Judicial Administration.

When a court has reason to know a child involved in a child in need of care proceeding is an Indian child, the Indian Child Welfare Act (ICWA) applies; notice requirements, findings and procedure are dictated by ICWA, and the ICWA forms must be used. **If ICWA applies, use form 221.8 instead of this form.** In addition to the federal ICWA statutes, all federal regulations (25 C.F.R. 23) must be followed. The court should also consult the BIA December 2016 guidelines ([www.bia.gov/bia/ois/dhs/icwa](http://www.bia.gov/bia/ois/dhs/icwa)).

**If there is reason to know the child is an Indian child but the court does not have sufficient evidence to determine that the child is or is not an Indian child, the court must treat the child as an Indian child, unless and until it is determined on the record that the child does not meet the definition of an Indian child. 25 C.F.R. 23.107(b).** The court "has reason to know" a child is an Indian child if:

- “(1) Any participant in the proceeding, officer of the court involved in the proceeding, Indian Tribe, Indian organization, or agency informs the court that the child is an Indian child;
- (2) Any participant in the proceeding, officer of the court involved in the proceeding, Indian Tribe, Indian organization, or agency informs the court that it has discovered information indicating that the child is an Indian child;
- (3) The child who is the subject of the proceeding gives the court reason to know he or she is an Indian child;
- (4) The court is informed that the domicile or residence of the child, the child’s parents, or the child’s Indian custodian is on a reservation or in an Alaska Native village;
- (5) The court is informed that the child is or has been a ward of a Tribal court; or
- (6) The court is informed that either parent or the child possesses an identification card indicating membership in an Indian Tribe.” 25 C.F.R. 23.107(c).

If the court finds that (1) 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 reasonable and prudent parenting standard has not been met, or (3) the child does not have regular, ongoing opportunities to engage in age or developmentally appropriate activities, then the court will hold another permanency hearing no later than 60 days following the finding. K.S.A. 38-2264(f).

If the child is placed in a qualified residential treatment program (QRTP) at the time of the permanency hearing, the court must make specialized findings. The court must first determine whether the ongoing assessment of the strengths and needs of the child does or does not support the determination that the child’s needs cannot be met through placement in a foster family home. If the court determines that the child’s needs cannot be met through placement in a foster home, then the court must determine: whether that 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 whether the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child. The court must also make specific findings of fact regarding: the specific treatment or service needs that will be met for the child in the QRTP placement; the length of time the child is expected to need the treatment or services; and the efforts made by the secretary to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.