

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF

Name \_\_\_\_\_

Case No. \_\_\_\_\_

Year of Birth \_\_\_\_\_ A  male  female

**ORDER REMOVING INDIAN CHILD FROM CUSTODY OF PARENT  
AND AUTHORIZING OUT OF HOME PLACEMENT**

K.S.A. 38-2244, 38-2251, 38-2255, 38-2258, 38-2259, 42 U.S.C. §671 *et seq.*  
and 25 U.S.C. §1901 *et seq.*

*Separate journal entry or order must be attached.*

*(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 HEREBY FINDS AND ORDERS:

1. The Court received testimony from the following witness(s), whom the Court finds to be a qualified expert witness under ICWA:

\_\_\_\_\_

2. Appropriate public or private agencies have made reasonable and active efforts but have failed to maintain the family and prevent the removal of the child from the child’s home or an emergency exists which threatens the safety of the child as follows: *(Specific findings of fact regarding what active efforts were provided must be written here)*

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

**AND**

There is clear and convincing evidence that the child is likely to sustain imminent physical damage or harm pursuant to 25 C.F.R. 23.113 and remaining in the home would be contrary to the welfare of the child as follows: *(Specific findings of facts must be written here. Include evidence provided by the qualified expert witness.)*

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

3. The above named child shall immediately be placed in the custody of:

- \_\_\_\_\_, a relative; a person who need not be licensed but is approved by the child's Tribe; a youth residential facility or a shelter facility approved by an Indian Tribe or operated by an Indian organization; or
- 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.

4. 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).

5.  A restraining order shall be filed against \_\_\_\_\_  
\_\_\_\_\_

THE COURT FURTHER ORDERS this matter set for \_\_\_\_\_ hearing before the Court on the \_\_\_\_\_ 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.