

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

_____, Juvenile Case No. _____

Year of Birth _____ A male female

**INITIAL ORDER REMOVING JUVENILE FROM CUSTODY OF PARENT
AND AUTHORIZING OUT OF HOME PLACEMENT**

Pursuant to K.S.A. 38-2365, 38-23,101; and 42 U.S.C. §671 *et seq.*

Separate journal entry, warrant or order must be attached.

(Orders must include findings specific to the juvenile.)

On this ____ day of _____, 20____ this matter comes before the Court.

THE COURT HEREBY FINDS:

Appropriate public or private agencies have made reasonable efforts but have failed to maintain the family and prevent the removal of the juvenile from the juvenile’s home **or** reasonable efforts are not required to maintain the juvenile in the home because an emergency exists which threatens the safety of the juvenile as follows: *(Specific findings of fact must be written here)*

AND

The juvenile is likely to sustain harm if not immediately removed from the home; remaining in the home or returning to the home would be contrary to the welfare of the juvenile; and/or immediate placement is in the best interest of the juvenile, specifically: *(Specific findings of fact must be written here also)*

THE COURT THEREFORE ORDERS the following order for removal shall issue:
(Attach the following order for removal to this Order Authorizing Removal.)

- Warrant (Form 311, attach copy.)
- Order for detention (Form 314 or 316, attach original.)
- Order committing incompetent juvenile (Form 324 or 325, attach original.)
- Adjudication with temporary custody order (Form 341, attach original.)
- Adjudication with immediate sentencing (Form 342, attach original.)
- Sentencing order (Form 350 or 351, attach original.)
- Probation violation order (Form 370, attach original.)
- Modification of sentence order (Form 373, attach original.)
- Order rescinding conditional release/aftercare (Form 376, attach original.)

THE COURT THEREFORE ORDERS THAT:

The above named juvenile shall immediately be:

- placed in the custody of _____, a suitable person.
- placed in the custody of the Secretary.
- committed to a juvenile detention facility.

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.

THE COURT FURTHER ORDERS all providers of services including educational services, treatment, education or care of the juvenile and family, even if not specifically referred to herein, to provide information including any and all educational records to the Commissioner, any entity providing services to the juvenile 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 juvenile prevent further abuse or neglect, and to provide appropriate treatment, care and services to the juvenile 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 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____.

Judge of the District Court

Authority

K.S.A. 38-2365, 38-22,101 and 42 U.S.C. §671 *et seq.*

Notes on Use

This form is designed to serve as the first order removing the juvenile from the home or the first order of removal after a previously removed juvenile has been home for six months or longer (as in an informal supervision or trial home placement), Supreme Court Rule 174 requires the use of this form or another form approved by the Supreme Court as meeting 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 for the placement and any subsequent placement of the juvenile in the present case. 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. Finding that reasonable efforts were not made does not bar the court from removing the juvenile and failure to make these findings does not bar the court from removing the juvenile. If the juvenile is removed for the safety of the public, federal funds are not available and this form is not necessary.

Specific findings of fact regarding reasonable efforts and the likelihood of sustaining harm must be written after the first two paragraphs on this form. Identical findings may be made for both paragraphs.

Form 309 must be attached to a journal entry of the proceeding in which removal was ordered by the court or the order directing removal if there was no hearing, as in the circumstances of a warrant. The original journal entry or order must be attached except when the order is a warrant. A copy of the warrant is permitted to be attached, because the original warrant is issued to law enforcement for execution.

There is language provided to allow a child support order to issue, or to require the parents to provide information so that a child support order may be issued. The juvenile justice code requires the court to order child support, unless good cause is shown to the contrary. K.S.A. 38-2319.

When a juvenile is placed outside the juvenile's home at a dispositional hearing pursuant to K.S.A. 38-2361(k), and no reintegration plan is made a part of the record of the hearing, a written reintegration plan shall be prepared and submitted to the court within 15 days of the initial order of the court. K.S.A. 38-2396(a). The plan shall be prepared by the person who has custody, or if directed by the court, by a community supervision officer. K.S.A. 38-2396(b).