STATE OF INDIANA

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

In The Matter Of : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

A Child in Need of Services

# ORDER ON FACT-FINDING HEARING ON CHINS PETITION

**Order Finding Child is a Child in Need of Services**

The Indiana Department of Child Services, (DCS) appears by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_, and by (Family Case Manager)(Intake Officer) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (appears in person) (is excluded for good cause shown upon the record). The parent(s) (guardian) (custodian), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, appear in person (and by counsel). The GAL/CASA, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, appears.

The foster parent(s) or other caretaker \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (does) (does not) appear. Others: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The CHINS petition comes on for Fact-finding Hearing. Opening statements are heard.

Evidence is introduced by the parties. Closing statements are heard.

The Court being duly advised finds that the child's date of birth is\_\_\_\_\_\_\_\_\_\_\_\_\_, and is \_\_\_\_\_ years of age, and is a child in need of services as alleged in the petition.

The Court now finds that said child is a child in need of services as defined by IC 31-34-1- \_\_\_. In support for this conclusion of law, the following findings of fact are found *(insert facts to support the category of abuse or neglect found): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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

The Court Orders \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to appear and file a Predispositional Report with the court

and respective parties \_\_\_\_\_ days prior to the dispositional hearing and made available according

to IC 31-34-18-6. The Court schedules a Dispositional Hearing in this case for the \_\_\_\_\_ day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

[ ] By agreement of all parties, the Court conducts an immediate Dispositional Hearing.

**REMOVAL DETERMINATION**

[ ] The child has not been removed and currently resides in the home of the parent, guardian or custodian.

or

[ ] The child has been removed from the care and custody of the child’s parent, guardian or custodian.

***IVE Findings:***

**The Court finds that it is in the best interests of the child to be removed from the home environment and remaining in the home would be contrary to the welfare of the child because:**

 **( ) of the allegations admitted**

**( ) of an inability to provide shelter, care, and/or supervision at**

 **the present time**

 **( ) the child needs protection**

**( ) the child has special needs that require services for care and**

**treatment that cannot be provided in the home**

 **( ) other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**( ) The Court finds that reasonable efforts to prevent or eliminate removal of the child were not required due to the emergency nature of the situation, as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**-or-**

**( ) The Court finds that reasonable efforts were made by DCS to prevent or eliminate the need for removal of the child. The statements of reasonable efforts as set forth in the pleadings, reports, and documents of DCS and/or all other service providers filed herein are incorporated by reference.**

**-or-**

**( ) The Court finds that reasonable efforts were made by DCS to prevent or eliminate the need for removal of the child, including:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

The Court finds responsibility for the placement and care of the child is ordered or continues to be ordered to the DCS.

Legal settlement of the child is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Department of Child Services is directed to provide notice as required by law.

*(When a child is placed out of state, complete this section:)*

 *The Court finds by clear and convincing evidence that the above out of state placement*

 *in a facility or home is appropriate because:*

 *() The Director of the DCS or their designee has recommended or approved of*

 *the placement;*

*or*

 *( ) There is not an equivalent facility with adequate services in Indiana, because*

 *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and*

 *( ) Institutional care in this facility is in the best interest of the child and will not*

 *produce undue hardship, because\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_*

 *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_;*

*or*

 *( ) the facility is not more than 50 miles from the county of the residence of the*

 *child.*

DCS is ordered to complete a permanency plan pursuant to IC 31-34-21-5.7 within 30 days.

A review hearing is set for \_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_a.m./p.m.

A permanency hearing is set for \_\_\_\_\_\_\_\_, 20\_\_, at \_\_\_a.m./p.m.

So ordered this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Judge