STATE OF INDIANA

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

In The Matter Of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

A Child Alleged to be a Delinquent Child

**ORDER ON DETENTION HEARING**

**1. CHILD**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was produced before the Court for a (child's name)

Detention Hearing this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_,20 \_\_\_.

**2. NOTICE**

Notice of the time, place, and purpose of a detention hearing has been given to:
        (1) the child;
        (2) the child's parent, guardian, or custodian if the person can be located; and
        (3) each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5.

The juvenile court has informed the child and the child’s parent, guardian, or custodian of the child’s right to counsel and to refrain from testifying against himself or herself.

**3. PARTIES:**

Present at the hearing are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Detention Hearing is now held.

1. **DETENTION TOOL:**

A valid detention tool was utilized, and the Court incorporates the results of the detention screening tool into this Detention Order. The detention screening results indicated as follows: *[detain/release with conditions/release/etc.][if the results were not high enough to justify detention, but court chose to detain anyway, explain rationale and reasoning for doing so]*

1. **PROBABLE CAUSE:**

( ) The Court now finds that probable cause exists to believe that said child is a delinquent child and that said child be detained because:

( ) the child is unlikely to appear for subsequent proceedings;

( ) detention is essential to protect the child or the community;

( ) the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or

( ) the child has a reasonable basis for requesting that he not be released and in support thereof the Court finds:

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

*(If the child is under twelve years old, the Court must make the following findings to detain in secure detention. If the child is twelve years or older, OMIT this section):*

**Child Under Twelve Years of Age**

(\_) the child poses an imminent risk of harm to the community; or

(\_) the court makes a written finding that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk.)

 *(choose one option below)*

( ) The Court orders that said child be detained in (secure)(non-secure) custody at \_\_\_\_\_\_\_\_\_\_\_\_\_. Said placement is the least restrictive placement and in the child’s best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement was determined to be an emergency required to protect the health and welfare of the child.

 OR

( ) The Court now finds that probable cause exists to believe that said child is a delinquent child but that said child is not in need of further detention, and accordingly, orders that said child be released to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (parent) (guardian) (custodian)

upon the latter's written promise to bring the child before the Court on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_ at \_\_\_\_\_\_ o'clock \_\_\_.M. and from day to day as ordered by the Court.

 OR

( ) The Court now finds that probable cause does not exist to believe that said child is a delinquent child and orders said child released to the custody of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 (parent) (guardian) (custodian)

***If the child has been removed from the home, complete this section:***

**6*.* IVE and Statutory 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:**

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

**( ) 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 the probation department 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 the probation department and/or all other service providers filed herein are incorporated by reference.**

**or-**

**( ) The Court finds that reasonable efforts were made by the probation department 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 probation department of \_\_\_\_\_\_\_\_\_\_\_ county.**

**7. PLACEMENT:**

 (*If order includes placement payable by DCS and DCS has not been previously notified)* The court shall provide the Department of Child Services (DCS) with a copy of this order. DCS may submit to the court within three business days after receipt of this order a DCS report stating its concurrence of the placement or any recommendation for an alternative placement.

(*Use one of the following three options if order includes placement payable by DCS* *after*

*reconsideration has been filed by DCS*)

 ( ) The court finds that the DCS concurs in the probation officer’s placement;

Or;

 ( ) the court finds that the DCS does not concur with the probation officer’s placement recommendation and the court accepts the recommendation of DCS;

Or

 ( ) the court finds that the DCS does not concur with the probation officer’s placement recommendation and the court finds that the recommendations of the DCS are unreasonable based on the facts and circumstances of the case **/**or are contrary to the welfare or the best interests of the child.

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

Placement is an emergency required to protect the health and welfare of the child because:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**8.** *(If placement is ordered out of state)*

The Court finds by clear and convincing evidence that the above out of state placement in a facility or home that is not a secure detention facility is appropriate because:

 ( ) The Director of the DCS or his 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 juvenile 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.

The Court now finds as follows:

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

Any notice required by IC 20-26-11-9 shall be given by the Probation department.

**(Choose one)**

 ( ) Pursuant to IC 31-40-1-3, the child’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Parents, Guardian of child’s estate)

shall pay for services provided to the child or the parents or guardian, as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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-OR-

( ) Pursuant to IC 31-40-1-3(c), the Court finds, that at the present time, the parents of the child are unable to pay, or that justice would not be served by ordering payment.

[ ] This case is set for a fact-finding hearing on: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.*

[ ] This case is set for a disposition hearing on: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

This case is set for a review hearing on: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(no later than 6 months after the date of removal.)*

This case is set for a permanency hearing on: *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(no later than 12 months after the date of removal.)*

The clerk of the court shall provide the DCS with a copy of this order.

SO ORDERED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

Judge