

- If you want to ask to have an attorney appointed for you at county expense, call the court before the hearing at this phone number: _____.
- An attorney has been appointed for you at county expense. Call the court before the hearing at this phone number for your attorney's contact information: _____.

When a child has been placed in the temporary and/or legal custody of the Idaho Department of Health and Welfare for fifteen of the most recent twenty-two months, the Department shall, prior to the last day of the fifteenth month, file a petition to terminate parental rights, unless the child has been permanently placed with a relative, there are compelling reasons why termination of parental rights is not in the best interest of the child, or the Department has failed to provide reasonable efforts to reunify the child with his/her family.

DATED: _____
 CLERK OF THE DISTRICT COURT
 By _____
 Deputy Clerk

STATE OF IDAHO)
) ss.
 County of _____)

I hereby certify and return that I have received the above Summons and copy of the petition in the above-entitled matter on the _____ day of _____, 20____, and personally served the same on _____ by delivering to _____ in _____ County, state of Idaho, a copy of said Summons duly attested by the clerk of the above-entitled court, together with a copy of the petition.

DATED : _____
 By _____
 (Deputy Marshall/Deputy Sheriff)

ORDER FOR REMOVAL

It is contrary to the welfare of the child (children) to remain in the child's (children's) present condition or surroundings, and it is in the best interest of the child (children) to place the child (children) in the legal custody of the Idaho Department of Health and Welfare (IDHW) until the shelter care hearing. This finding is made based on the information set forth in the verified Petition Under the Child Protective Act, and the affidavit attached to and incorporated in the Petition, that have been filed in this case.

- The child (children) is an Indian child, or there is reason to believe that the child is an Indian child, within the meaning of the Indian Child Welfare Act. Removal of the child (children) is necessary to prevent imminent physical damage or harm to the child (children). If IDHW receives information prior to the adjudicatory hearing that the emergency situation has ended, the state will file a motion with the court to review whether the removal of the child (children) continues to be necessary.

IT IS HEREBY ORDERED that a peace officer or other authorized person promptly take the following children to an authorized place of shelter care until the shelter care hearing

Name(s) of child/children to be removed:

Date: _____

Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of the attached to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

DRAFT

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF: _____)

Case No. _____)

_____))
_____))
_____))
_____))
_____))
_____))

ORDER SETTING HEARINGS

A Child/Children Under Eighteen
Years of Age. _____)

These hearings will be held at these dates and times.

- Shelter Care hearing: _____, 20____, at _____, ___ m.
- Pretrial conference: _____, 20____, at _____, ___ m.
- Adjudicatory hearing: _____, 20____, at _____, ___ m.
- Case Plan hearing: _____, 20____, at _____, ___ m.
- First Six-Month Review hearing:
_____, 20____, at _____, ___ m.
- Status Review hearing: _____, 20____, at _____, ___ m.
- Subsequent Six-Month Review hearing:
_____, 20____, at _____, ___ m.
- Permanency hearing: _____, 20____, at _____, ___ m.

All parties, including IDHW, will attend the hearings.

Date: _____

Magistrate Judge

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Deputy Clerk

DRAFT

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Deputy Clerk

DRAFT

2. Absent People.

This person(s) was not present for the hearing. The court file shows that the person(s) previously appeared or was served with notice: _____

This person(s) was not present for the hearing. The court file does not show that the person(s) previously appeared or was served with notice: _____
_____. The State will make efforts to locate and serve process on this person(s). The State will file proof of service with the court prior to the next hearing. If service of process is not completed, the State will file a written report with the court documenting the efforts made to locate and serve process.

3. Parent's rights.

The parent(s), guardian, and/or custodian of the child (children) who have appeared have been given the form: INFORMATION TO PARENTS, LEGAL GUARDIANS OR CUSTODIANS UNDER THE CHILD PROTECTIVE ACT (CPA).

4. Paternity.

More effort is needed to identify the father of a child in this case.

Within the next _____ days, these people will submit to paternity testing:

- Child: _____ Possible Father : _____
- Possible Father: _____
- Child: _____ Possible Father: _____
- Possible Father: _____

IDHW will provide the testing.

5. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

There is no reason to believe that the child (children) is an Indian child as defined by ICWA.

Each party, including the Department of Health and Welfare, has certified that they have not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by ICWA.

There is reason to believe that the child (children) may be an Indian child as defined by ICWA. The child (children) may be affiliated with the following tribe(s):

- Child: _____ Tribe(s): _____
- Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by ICWA.
- Take all practical steps to notify the child's tribe(s) about any hearings regarding the emergency removal or emergency placement of the child.
- Provide notice in accordance with ICWA at least ten days before the next hearing and file proof of service with the court.
- Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated.

This child (children) is an Indian child as defined by the ICWA, and is affiliated with the following tribe(s):

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The court file shows that the tribe(s) was served as required by the Indian Child Welfare Act.

The court file does not show that the tribe(s) was served as required by ICWA.

The State will serve process on the tribe(s) in accordance with ICWA and file proof of service with the court before the next hearing.

6. **Petition.**

- A CPA petition has been filed in this case.
- Instead of a petition, the court has entered an order expanding a case under the Juvenile Corrections Act to a case under the CPA based on Idaho Juvenile Rule 16.

7. **Jurisdiction of the case.**

The court has jurisdiction over this case because the child (each child) lives in or was found in the state of Idaho.

8. **Agreements**

This order is entered based on the agreement of the parties. **The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.**

9. Jurisdiction of the children. There is reasonable cause to believe that the child (each child) comes within the jurisdiction of the CPA due to:

- abandonment
- abuse
- neglect
- homelessness
- lack of a stable home environment
- the court has taken jurisdiction over another child in the same household.

10. Custody of the child (children), best interest of the child (children).

Shelter care.

a. The child children this child (children): _____
is placed in the legal custody of the Idaho Department of Health and Welfare until the adjudicatory hearing. The child was removed on: _____.

b. **It is contrary to the welfare of the child (children) to remain in the home until the adjudicatory hearing. It is in the best interest of the child (children) to be in the custody of IDHW until the adjudicatory hearing. The safety and welfare of the child (children) cannot be adequately safeguarded by placing the child in the sole custody of a parent having joint custody. The court makes this finding based on:**

the information in the verified petition and the affidavits in support of the petition, that have been filed in this case, and are incorporated in this order by reference.

_____.

c. **If the child (children) is an Indian child (see paragraph 5 above), removal of the child (children) from the parent or Indian custodian is necessary to prevent imminent physical damage or harm to the child (children).** If IDHW receives information prior to the adjudicatory hearing that the emergency situation has ended, the state will file a motion with the court to review whether the removal of the child (children) continues to be necessary.

Sole custody of parent with joint custody.

a. The safety and welfare of the child the children this child/children: _____ can be adequately safeguarded by placing the child (children) in the sole custody of _____, a parent having joint custody of the child (children).

b. The child children this child/children: _____
is placed in the sole custody of _____ pending the
adjudicatory hearing.

Protective Order.

A reasonable effort to prevent placement of the child outside the home could be affected by a protective order safeguarding the child's welfare. The court orders as follows:

No shelter care.

It has not been shown that it is in the best interest of the child (children) to be in the custody of IDHW pending the adjudicatory hearing. The child (children) will not stay in shelter care.

11. Reasonable efforts to prevent removal of the child (children).

a. Efforts

IDHW made reasonable efforts prior to placement of the child (children) in shelter care to eliminate the need for shelter care but those efforts were unsuccessful.

IDHW made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventative services.

At this time the record does not support a finding that IDHW made reasonable efforts to eliminate the need for shelter care. This issue will be addressed again at the adjudicatory hearing.

b. Basis. The court makes this finding based on:

the information in the petition and the affidavits in support of the petition, that have been filed in this case, and are incorporated in this order by reference.

12. Pretrial conference and adjudicatory hearing.

A pretrial conference will be held on: _____.

An adjudicatory hearing will be held on: _____.

All parties, including IDHW, will attend the pretrial conference and adjudicatory hearing. IDHW and the Guardian Ad Litem will investigate, file written reports with the court, and serve copies of the report on the parties before the pretrial conference.

13. Other orders. The court also orders as follows:

Date: _____

Magistrate Judge

DRAFT

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

Gal: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Interpreter.

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

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Deputy Clerk

Other: _____ Attorney: _____

Present Not present

Interpreter: _____ Language: _____

2. Absent People.

This person(s) was not present for the hearing, but the court file shows that the person(s) previously appeared, or has been served with notice:

_____.

This person(s) was not present for the hearing, and the court file does not show that the person(s) previously appeared or was served with notice: _____

_____. The State will make efforts to locate and serve process on this person(s), and file proof of service with the court prior to the next hearing. If proof of service is not completed, the State will file a written report documenting its efforts to locate and serve process.

3. Parent's rights.

The parent(s), guardian, and/or custodian of the child (children) who have appeared have been given the form: INFORMATION TO PARENTS, LEGAL GUARDIANS OR CUSTODIANS UNDER THE CHILD PROTECTIVE ACT (CPA).

4. Paternity.

More effort is needed to determine who is the father of a child in this case. Within the next fourteen days, these people will submit to paternity testing.

Child: _____ Possible Father: _____

Possible Father: _____

Child: _____ Possible Father: _____

Possible Father: _____

IDHW will provide the testing.

5. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

This child (children) is an Indian child as defined by the ICWA, and is affiliated with the following tribe(s):

Child: _____ Tribe: _____

Child: _____ Tribe: _____

Child: _____ Tribe: _____

The court file shows that service of process has been made upon the tribe(s) as required by the ICWA.

- The court file does not show that service of process has been made upon the tribe(s) as required by the ICWA. The State will serve process on the tribe(s) in accordance with the ICWA and file proof of service with the court prior to the next hearing.
- There is no reason to believe that the child (children) is an Indian child as defined by the ICWA.
 - Each party, including the Department of Health and Welfare, has certified that they have not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by the ICWA.
 - There is reason to believe that the child (children) may be an Indian child as defined by the ICWA. The child (children) may be affiliated with the following tribe(s):

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by the ICWA.
- Provide notice in accordance with the ICWA at least ten days before the next hearing and file proof of service with the court.

Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated

6. Petition.

- A petition has been filed in this case under the Child Protective Act (CPA).
- Instead of a petition, the court has entered an order expanding a case under the Juvenile Corrections Act to a case under the CPA based on Idaho Juvenile Rule 16.

7. Jurisdiction of the case.

The court has jurisdiction over this case, in that the child (each child) lives in or was found in the state of Idaho.

8. Agreements.

- This order is entered based on the agreement of the parties. **The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement**

is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.

9. Jurisdiction of the children. The child (each child) comes within the jurisdiction of the CPA due to:

- abandonment abuse neglect
- homelessness lack of a stable home environment
- the court has taken jurisdiction over _____,
another child in the same household.

The court retains exclusive jurisdiction over the child (each child) until the child turns eighteen years of age, unless otherwise ordered by the court.

10. Custody of the child (children), best interest of the child (children).

- Custody of Idaho Department of Health and Welfare (IDHW).

a. The child children this child/children: _____
is placed in the legal custody of IDHW. The date the child (children) entered shelter care is: _____.

- While in IDHW custody, the child (children) may travel out-of-state for a period of up to _____ days, in the company of an adult and in accordance with IDHW policies and regulations, for health care services, educational or recreational opportunities, or other routine purposes.

b. It is contrary to the welfare of the child (children) to remain in the home. It is in the best interest of the child (children) to be placed in the custody of IDHW. The court makes this finding based on:

- the information in the verified petition and the affidavits in support of the petition, that have been filed in this case, and are incorporated in this decree by reference.
- the reports of investigation prepared by IDHW and the Guardian Ad Litem, that have been filed in this case, and are incorporated in this decree by reference.

_____.

c. If the child (children) is an Indian child (as noted in paragraph 5), the court makes these additional findings.

Continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. This finding is supported by clear and convincing evidence, including the testimony of a qualified expert witness.

Active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts have proved unsuccessful.

Protective Supervision of IDHW.

a. The safety and welfare of the child the children the following child/children: _____ can be adequately safeguarded by placing the child in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the IDHW.

b. The child (children) is placed in the custody of _____, who is the mother father legal guardian legal custodian Indian custodian of the child, under the protective supervision of IDHW.

To ensure the safety and welfare of the child (children), this placement is subject to these conditions: _____

_____.

11. Reasonable efforts to prevent removal of the child (children).

a. Efforts

IDHW made reasonable efforts prior to placement of the child (children) in shelter care to eliminate the need for shelter care but those efforts were unsuccessful.

IDHW made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventative services.

IDHW made reasonable efforts to temporarily place the child (children) with related persons but those efforts were unsuccessful.

b. Basis. The court makes this finding based on:

the information in the verified petition and the affidavits in support of the petition, that have been filed in this case, and are incorporated in this order by reference.

_____.

12. Placement of Indian child/children.

The child (children) is an Indian child (children), and the child's (children's) placement:

complies with the placement preferences in the ICWA (42 U.S.C. §1915).

does not comply with the placement preferences in the ICWA. The state has shown by clear and convincing evidence that it has made active efforts to find a placement that complies with the preferences in ICWA but such a preference is not available. There is clear and convincing evidence of good cause to depart from those preferences because: _____

_____.

does not comply with the placement preferences in the ICWA. The State has not submitted evidence to support a placement that does not comply with the placement preferences in ICWA. The court will hold a further hearing on this issue on:

At that time, the State will submit evidence to show that the child (children) is in a placement that complies with the placement preferences in ICWA or that there is clear and convincing evidence to support a placement that does not comply with the placement preferences in ICWA.

13. Visitation (when applicable).

The court considered visitation, including: visitation with parents and siblings, frequency and conditions of visitation, whether the parents are consistently attending and interacting appropriately with the child (children), whether there are obstacles to visitation, and whether there are opportunities to increase visitation consistent with the safety and welfare of the child. Visitation will continue in accordance with IDHW regulations and policies, but subject to the following: _____

14. Case plan and case plan hearing.

A case plan hearing will be held on: _____.

All parties, including IDHW, will attend the case plan hearing.

IDHW will notify the children and the foster parents of the case plan hearing, and their right to an opportunity to be heard at the hearing. IDHW will provide confirmation to the court that this notice was given.

IDHW will prepare a written case plan, file the plan with the court, and serve copies of the plan on the parties at least five days prior to the case plan hearing. The case plan will include the information specified in Idaho Code §16-1621 and IJR 44. If the child is in the custody of IDHW, the plan will identify the current foster care placement for the child, including information showing that the child's (children's) placement complies with the Child Protective Act. If the child (children) is an Indian Child, the plan will also include information showing that the child's (children's) placement complies with the Indian Child Welfare Act.

15. Protective order.

A continuing danger to the child (children) has been shown, and entry of a protection order is in the child's (children's) best interest. The court orders as follows: ____

16. Other orders. The court also orders as follows:

Date: _____

Magistrate Judge

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____ GAL: _____

Signature: _____ Signature: _____

Parent: _____ Parent: _____

Signature: _____ Signature: _____

Parent: _____ Parent: _____

Signature: _____ Signature: _____

Other: _____ Other: _____

Signature: _____ Signature: _____

Other: _____ Other: _____

Signature: _____ Signature: _____

Interpreter.
Name of interpreter and language: _____

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of the attached to:

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Deputy Clerk

DRAFT

3. This court previously appointed these attorneys for these persons:

This court appoints attorneys for these persons in the new county. The court clerk in the new county will serve copies of this order on the new attorneys. Each attorney previously appointed by this court will provide a copy of their file to the new attorney representing their client within fourteen days of this order.

4. The Guardian ad Litem currently appointed in this case will continue to advocate for the child (children).

This court previously appointed a guardian ad litem for this child (children):

This court appoints the guardian ad litem in the new county to serve as guardian ad litem for this child (children). The court clerk in the new county will serve a copy of this order on the new guardian ad litem. The guardian ad litem previously appointed by this court will provide of copy of their file to the new guardian ad litem within fourteen days of this order.

5. The State will schedule a review hearing with the court in the new county to be held within 60 days of this order.

Date: _____

Magistrate Judge

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Deputy Clerk

DRAFT

Interpreter: _____ Language: _____

2. Absent People.

This person(s) was not present for the hearing, but the court file shows that the person(s) previously appeared, or has been served with notice:

_____.

This person(s) was not present for the hearing, and the court file does not show that the person(s) previously appeared or was served with notice: _____

_____. The State will make efforts to locate and serve process on this person(s), and file proof of service with the court. If service of process is not completed, the State will file a written report with the court documenting the efforts made to locate and serve process.

3. Children and Foster Parents

IDHW confirmed that children 8 years of age and older were given notice of the hearing.

These children came to the hearing: _____.

These children did not come to the hearing, because: _____

_____.

IDHW confirmed that foster parents were given notice of the hearing. These foster parents came to the hearing: _____

_____.

4. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

This child (children) is an Indian child as defined by the ICWA, and is affiliated with the following tribe(s):

Child: _____ Tribe: _____

Child: _____ Tribe: _____

Child: _____ Tribe: _____

The court file shows that service of process has been made upon the tribe(s) as required by the ICWA.

The court file does not show that service of process has been made upon the tribe(s) as required by the ICWA. The State will serve process on the tribe(s) in

accordance with the ICWA and file proof of service with the court prior to the next hearing.

There is no reason to believe that the child (children) is an Indian child as defined by the ICWA.

Each party, including the Department of Health and Welfare, has certified that they have not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by the ICWA.

There is reason to believe that the child (children) may be an Indian child as defined by the ICWA. The child (children) may be affiliated with the following tribe(s):

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by the ICWA.
- Provide notice in accordance with the ICWA at least ten days before the next hearing and file proof of service with the court.
- Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated.

5. Agreements.

This order is entered based on the agreement of the parties. The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.

6. Case Plan – Required Contents

The case plan includes:

The current foster care placement for the child, including information showing that the child’s (children’s) placement complies with Idaho Code §16-1629(11).

If the child (children) is an Indian Child, information showing that the child’s (children’s) placement complies with the ICWA.

Reasonable efforts to be made by IDHW to make it possible for the child to return home.

- If the child (children) is an Indian child, active efforts to be made by IDHW to prevent the breakup of the Indian family.
- Services to be provided to the child (children). This includes services to identify and meet any special needs the child may have, to assist the child in adjusting to the placement, or to ensure the stability of the placement.
- Options for maintaining the child's connection to the community. This includes people, schools, organizations, or activities with which the child has a significant connection.
- The plan for reunification. This includes:
 - all issues that need to be addressed before the child can safely be returned home (or remain home) without IDHW supervision;
 - tasks to be completed by IDHW, the parents and others, including services to be provided by IDHW and in which the parents are required to participate;
 - deadlines for completion of each task; and
 - the role of IDHW as to each parent.
 - a plan for achieving reunification within 12 months from the date the child (children) was removed from the home.
- If the child (children) has been placed in the custody of IDHW, a concurrent permanency goal and a plan for achieving the goal as required by Idaho Code § 16-1615 and IJR 44.
- If the child (youth) is 14 years of age or older, the concurrent plan includes services IDHW will provide to assist the youth to make the transition to independent living.

7. Case Plan - Order

□ The case plan is □ approved □ approved with the following changes: _____

 _____.

The case plan (including all documents submitted by IDHW to comply with Idaho Code § 16-1621 and IJR 44) is incorporated by reference in this order. IDHW and all parties will comply with the case plan. *FAILURE TO COMPLY*: Failure to comply with the plan may result in a finding of contempt, which is punishable by up to five days in jail and a fine of

up to \$5,000. If a parent fails to comply with the plan, the state may file a petition to terminate parental rights.

The case plan is rejected. The case plan is inadequate for these reasons: _____

_____. This hearing will continue on: _____. IDHW will prepare a new case plan, file it with the court, and serve copies on the parties at least five days prior to the hearing.

8. Placement of Indian child/children.

The child (children) is an Indian child (children), and the child's (children's) placement:

complies with the placement preferences in the ICWA. (42 U.S.C. §1915.)

does not comply with the placement preferences in the ICWA. The state has shown by clear and convincing evidence that it has made active efforts to find a placement that complies with the preferences in the ICWA but such a preference is not available. There is clear and convincing evidence of good cause to depart from those preferences because: _____

_____.
 does not comply with the placement preferences in the ICWA. The State has not submitted evidence to support a placement that does not comply with the placement preferences in ICWA. The court will hold a further hearing on this issue on:

At that time, the State will submit evidence to show that the child (children) is in a placement that complies with the placement preferences in the ICWA or that there is clear and convincing evidence of good cause to support a placement that does not comply with the placement preferences in the ICWA.

9. Visitation.

The court considered visitation, including: visitation with parents and siblings, frequency and conditions of visitation, whether the parents are consistently attending and interacting appropriately with the child (children), whether there are obstacles to visitation,

and whether there are opportunities to increase visitation consistent with the safety and welfare of the child. Visitation will continue in accordance with IDHW regulations and policies, but subject to the following: _____

10. Extended home visit.

- An extended home visit has been requested. The request is:
 - denied.
 - granted. An extended home visit is approved for: The child the children
 - this child/children: _____ with: _____
 - _____ until _____ (no more than 180 days).

The visit is subject to IDHW regulations and policies, and subject to these conditions:

11. Next hearing.

- A status hearing will be held _____.
- A 6-month review hearing will be held _____.

All parties, including IDHW, will attend the status/review hearing(s). IDHW and the Guardian Ad Litem will investigate, file written progress reports with the court, and serve copies of the report on the parties prior to the review hearing. IDHW will notify the children and the foster parents of the hearing(s), and their right to an opportunity to be heard at the hearing(s). IDHW will provide confirmation to the court that this notice was given.

12. Protective order.

- A continuing danger to the child (children) has been shown, and entry of a protection order is in the child's (children's) best interest. The court orders as follows: _____

- The court entered a protective order at a prior hearing. The order:
 - will remain in effect until the court orders otherwise.
 - is withdrawn.

will remain in effect, with the following changes: _____

13. Other orders. The court also orders as follows:

Date: _____

Magistrate Judge

DRAFT

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

GAL: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Interpreter.

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of this order to:

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- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

DRAFT

Continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. This finding is supported by clear and convincing evidence, including the testimony of a qualified expert witness.

Active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts have proved unsuccessful.

2. Order for removal.

It is hereby ordered that a peace officer or other authorized person promptly take

the child the children this child/children: _____

to an authorized place of shelter care pending the redispotion hearing.

3. Redispotion hearing.

A redispotion hearing will be held: _____.

Date: _____

Magistrate Judge

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF: _____

Case No. _____

REDISPOSITION
ORDER

Child/Children:

Custody to IDHW

Under Protective
Supervision of IDHW

A Child/Children Under Eighteen
Years of Age.

The court held a disposition hearing on _____ based on Idaho Code § 16-1623, § 16-1619 and Idaho Juvenile Rule 41. At an earlier hearing, the court found the child (children) are in the jurisdiction of the Child Protective Act (CPA), and placed the child (children) in the custody of _____ under the protective supervision of the Idaho Department of Health and Welfare (IDHW). The State asks that the child (children) be removed from that person's custody and be placed in the custody of IDHW.

The court makes these findings and orders.

1. Appearances.

These people were present for the hearing, represented by these attorneys.

IDHW: _____ Attorney for State: _____

GAL: _____ Attorney: _____

Mother: _____ Attorney: _____

Present Not present

Father: _____ Attorney: _____

Present Not present

Father: _____ Attorney: _____

Present Not present

Child: _____ Attorney: _____

Present Not present

Child: _____ Attorney: _____

Present Not present

Child: _____ Attorney: _____
 Present Not present

Child: _____ Attorney: _____
 Present Not present

Other: _____ Attorney: _____
 Present Not present

Interpreter: _____ Language: _____

2. Absent People.

This person(s) was not present for the hearing, but the court file shows that the person(s) previously appeared, or has been served with notice:

_____.

This person(s) was not present for the hearing, and the court file does not show that the person(s) previously appeared or was served with notice: _____

_____. The State will make efforts to locate and serve process on this person(s), and file proof of service with the court prior to the next hearing. If proof of service is not completed, the State will file a written report documenting its efforts to locate and serve process.

3. Parent's rights

The parent(s), guardian, and/or custodian of the child (children) who have appeared have been given the form: INFORMATION TO PARENTS, LEGAL GUARDIANS OR CUSTODIANS UNDER THE CHILD PROTECTIVE ACT (CPA).

4. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

This child (children) is an Indian child as defined by ICWA, and is affiliated with the following tribe:

Child: _____ Tribe: _____

Child: _____ Tribe: _____

Child: _____ Tribe: _____

The court file shows that service of process has been made upon the tribe(s) as required by ICWA.

The court file does not show that service of process has been made upon the tribe(s) as required by ICWA. The State will serve process on the tribe(s) in

accordance with ICWA and file proof of service with the court prior to the next hearing.

There is no reason to believe that the child (children) is an Indian child as defined by ICWA.

Each party, including the Department of Health and Welfare, has certified that they have not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by the ICWA.

There is reason to believe that the child (children) may be an Indian child as defined by the ICWA. The child (children) may be affiliated with the following tribe(s):

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by the ICWA.
- Provide notice in accordance with the ICWA at least ten days before the next hearing and file proof of service with the court.
- Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated.

5. Agreements.

This decree is entered based on the agreement of the parties. The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.

6. Custody of the child (children), best interest of the child (children).

Custody of Idaho Department of Health and Welfare (IDHW).

a. The child children this child/children: _____ is placed in the legal custody of IDHW. The date the child (children) entered foster care is: _____.

While in IDHW custody, the child (children) may travel out-of-state for a period of up to _____ days, in the company of an adult and in accordance with IDHW policies and

regulations, for health care services, educational or recreational opportunities, or other routine purposes.

b. It is contrary to the welfare of the child (children) to remain in the home. It is in the best interest of the child (children) to be placed in the custody of IDHW. The court makes this finding based on:

the information in the affidavit(s) in support of the motion for removal and redispotion, that have been filed in this case, and are incorporated in this decree by reference.

_____.

c. If the child (children) is an Indian child (as noted in paragraph 4), the court makes these additional findings.

Continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. This finding is supported by clear and convincing evidence, including the testimony of a qualified expert witness.

Active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts have proved unsuccessful.

Protective Supervision of IDHW.

a. The safety and welfare of the child the children the following child/children: _____ can be adequately safeguarded by placing the child in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the IDHW.

b. The child (children) is placed in the custody of _____, who is the mother father legal guardian legal custodian Indian custodian of the child, under the protective supervision of IDHW.

To ensure the safety and welfare of the child (children), this placement is subject to these conditions: _____

_____.

7. Reasonable efforts to prevent removal of the child (children).

a. Efforts

IDHW made reasonable efforts prior to placement of the child (children) in shelter care to eliminate the need for shelter care but those efforts were unsuccessful.

IDHW made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventative services.

IDHW made reasonable efforts to temporarily place the child (children) with related persons but those efforts were unsuccessful.

b. Basis. The court makes this finding based on:

the report of _____, dated _____, that has been filed in this case, and is incorporated in this order by reference.

_____.

8. Case plan and case plan hearing.

A case plan hearing will be held: _____.

All parties, including IDHW, will attend the case plan hearing

IDHW will notify the children and the foster parents of the case plan hearing, and their right to an opportunity to be heard at the hearing. IDHW will provide confirmation to the court that this notice was given.

IDHW will prepare a written case plan, file the plan with the court, and serve copies of the plan on the parties at least five days prior to the case plan hearing. The case plan will include the information specified in Idaho Code §16-1621 and IJR 44. If the child is in the custody of IDHW, the plan will identify the current foster care placement for the child, including information showing that the child's (children's) placement complies with the Child Protective Act. If the child (children) is an Indian Child, the plan will also include information showing that the child's (children's) placement complies with the Indian Child Welfare Act.

9. Protective order.

A continuing danger to the child (children) has been shown, and entry of a protection order is in the child's (children's) best interest. The court orders as follows: ____

10. Other orders. The court also orders as follows:

Date: _____

Magistrate Judge

DRAFT

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

GAL: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Interpreter.

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of this order to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

DRAFT

Child: _____ Attorney: _____
 Present Not present

Child: _____ Attorney: _____
 Present Not present

Other: _____ Attorney: _____
 Present Not present

Interpreter: _____ Language: _____

2. Absent People.

This person(s) was not present for the hearing, but the court file shows that the person(s) previously appeared, or has been served with notice:

_____.

This person(s) was not present for the hearing, and the court file does not show that the person(s) previously appeared or was served with notice: _____

_____. The State will take make efforts to locate and serve process on this person(s), and file proof of service with the court. If service of process is not completed, the State will file a written report with the court documenting the efforts made to locate and serve process.

3. Children and Foster Parents

IDHW confirmed that children 8 years of age and older were given notice of the hearing.

These children came to the hearing: _____.

These children did not come to the hearing, because: _____

_____.

IDHW confirmed that the foster parents were given notice of the hearing. These foster parents came to the hearing: _____

4. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

This child (children) is an Indian child as defined by the ICWA, and is affiliated with the following tribe(s):

Child: _____ Tribe: _____

Child: _____ Tribe: _____

Child: _____ Tribe: _____

- The court file shows that service of process has been made upon the tribe(s) as required by the ICWA.
- The court file does not show that service of process has been made upon the tribe(s) as required by the ICWA. The State will serve process on the tribe(s) in accordance with the ICWA and file proof of service with the court prior to the next hearing.
- There is no reason to believe that the child (children) is an Indian child as defined by the ICWA.
 - Each party, including the Department of Health and Welfare, has certified that it has not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by the ICWA.
 - There is reason to believe that the child (children) may be an Indian child as defined by the ICWA. The child (children) may be affiliated with the following tribe(s):

Child: _____ Tribe(s): _____
 Child: _____ Tribe(s): _____
 Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by the ICWA.
- Provide notice in accordance with the ICWA at least ten days before the next hearing and file proof of service with the court.
- Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated.

5. Agreements.

This order is entered based on the agreement of the parties. The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.

6. Custody of the child (children)

The child children this child/children: _____
 is currently in the custody of IDHW, and it is in the best interest of the child (children) to remain in the custody of IDHW.

The child children this child/children: _____
is currently in the custody of IDHW. The safety and welfare of the child (children) can be adequately safeguarded by placing the child (children) in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the IDHW. The child (children) is placed in the custody of _____,
who is the mother father legal guardian legal custodian Indian custodian of the child, under the protective supervision of IDHW. To ensure the safety and welfare of the child (children), this placement is subject to these conditions: _____

7. Case Plan/Permanency Plan

The court reviewed:

- the case plan
- the permanency plan
- both the case plan and the permanency plan.

The court reviewed the plan and reviewed progress on the plan.

No changes are made to the plan at this time.

These changes are made to the plan: _____

IDHW will prepare a new plan, and the new plan will include these changes: _____

IDHW will file the plan with the court and serve copies of the new plan on the parties at least five days prior to the next hearing.

The court ordered IDHW to prepare a new plan at an earlier hearing. The plan is

approved approved with the following changes: _____

The new plan (including all documents submitted by IDHW to comply with Idaho Code § 16-1621 and IJR 44, or Idaho Code § 16-1622 and IJR 45 and 46) is incorporated by reference in this order. All parties, including IDHW, will comply with the new plan.

FAILURE TO COMPLY: Failure to comply with the plan may result in a finding of contempt, which is punishable by up to five days in jail and a fine of up to \$5,000. If a parent fails to comply with the plan, the state may file a petition to terminate parental rights.

- The new plan is rejected. The new plan is inadequate for these reasons: _____

This hearing will continue on: _____. IDHW will prepare a new plan, file it with the court, and serve copies on the parties at least five days prior to the hearing.

- This child (children) is 16 years of age or older: _____

and the court has approved a permanency plan that includes a permanency goal of “another planned permanent living arrangement” for this child (children). The court has reviewed IDHW’s report of its past efforts and planned future efforts to achieve a more permanent goal for the child.

- This child (children) is 14 years of age or older: _____

and the court has approved a permanency plan for the child. The plan identifies the services IDHW will provide to the child (children) to assist the child to transition from foster care to independent living.

8. Termination of parental rights.

- The court has approved a permanency plan with a permanency goal of termination of parental rights and adoption. The State will file the petition to terminate parental rights within 30 days.

- The child (children) has been in the custody of IDHW for 15 of the last 22 months.
 - The State has filed a petition to terminate parental rights.
 - The State will file a petition to terminate parental rights within 30 days.
 - The State is not required to file a petition to terminate parental rights because:

- The child (children) has been permanently placed with a relative.
- IDHW has failed to provide reasonable efforts to reunify the child (children) with the child's (children's) family.
- There are these compelling reasons why termination of parental rights is not in the best interest of the child (children): _____

 _____.

This section does not apply to this case at this time.

9. Reasonable efforts to finalize the primary permanency goal.

IDHW has made reasonable efforts to finalize the primary permanency goal in effect for the child (children). The court makes this finding based on:

- the information in the report by IDHW, dated _____, that was filed in this case, and is incorporated in this order by reference.
- the information in the report by the GAL, dated _____, that was filed in this case, and is incorporated in this order by reference.
- _____

 _____.

At this time, the record does not support a finding that IDHW made reasonable efforts to finalize the primary permanency goal for the child (children). These additional efforts, or additional evidence of IDHW's efforts, are necessary to support a finding that IDHW made reasonable efforts to finalize a permanency plan for the child (children): _____

 _____.

A permanency hearing will continue on _____ to address this issue.

IDHW has not made reasonable efforts to finalize the primary permanency goal in effect for the child (children), for the period beginning on: _____ and

ending on _____. IDHW's efforts have been unreasonable in these ways:

Another permanency hearing will be held on _____ to further address this issue.

10. Indian Child (Children) and active efforts to prevent the breakup of the Indian family.

IDHW has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

At this time, the record is insufficient to support a finding that IDHW made active efforts to prevent the breakup of the Indian family. These additional efforts, or additional evidence of IDHW's efforts, are necessary to support a finding that IDHW made active efforts to prevent the breakup of the Indian family: _____

A continued permanency hearing is set for _____ to address this issue.

11. Placement of Indian child/children.

The child (children) is an Indian child (children), and the child's (children's) placement:

complies with the placement preferences in the ICWA. (42 U.S.C. §1915.)

does not comply with the placement preferences in the ICWA. The state has shown by clear and convincing evidence that it has made active efforts to find a placement that complies with the preferences in the ICWA but such a preference is not available. There is clear and convincing evidence of good cause to depart from those preferences because: _____

does not comply with the placement preferences in the ICWA. The State has not submitted evidence to support a placement that does not comply with the placement preferences in the ICWA. The court will hold a further hearing on this issue on:

At that time, the State will submit evidence to show that the child (children) is in a placement that complies with the placement preferences in the ICWA or that there is clear and convincing evidence of good cause to support a placement that does not comply with the placement preferences in the ICWA.

12. Visitation.

The court considered visitation, including: visitation with parents and siblings, frequency and conditions of visitation, whether the parents are consistently attending and interacting appropriately with the child (children), whether there are obstacles to visitation, and whether there are opportunities to increase visitation consistent with the safety and welfare of the child. Visitation will continue in accordance with IDHW regulations and policies, but subject to the following: _____

_____.

13. Extended home visit.

- An extended home visit has been requested. The request is:
 - denied.
 - granted. An extended home visit is approved for: The child the children
 - this child/children: _____ with: _____
 - _____ until _____ (no more than 180 days).

The visit is subject to IDHW regulations and policies, and subject to these conditions:

_____.

14. Next hearing.

All parties, including IDHW, will attend the next hearing.

- A status hearing will be held _____.
- A 6-month review hearing will be held _____.

IDHW and the Guardian *ad Litem* will investigate, file written progress reports with the court, and serve copies of the report on the parties prior to the review hearing.

- A permanency hearing will be held _____.

IDHW will prepare a written permanency plan, file the plan with the court, and serve copies of the plan on the parties at least five days prior to the case plan hearing. The permanency plan will include the information specified in Idaho Code § 16-1622 and IJR 46. If the child is in the custody of IDHW, the plan will identify the current foster care placement for the child, including information showing that the child's (children's) placement complies with the Child Protective Act. If the child (children) is an Indian child, the plan will also include information showing that the child's (children's) placement complies with the Indian Child Welfare Act.

15. Protective order.

A continuing danger to the child (children) has been shown, and entry of a protection order is in the child's (children's) best interest. The court orders as follows: _____

_____.

The court entered a protective order at a prior hearing. The order:
 will remain in effect until the court orders otherwise.
 is withdrawn.
 will remain in effect, with the following changes: _____

_____.

16. Other orders. The court also orders as follows:

_____.

Date: _____

Magistrate Judge

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

GAL: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Interpreter.

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of this order to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

Child: _____ Attorney: _____
 Present Not present

Child: _____ Attorney: _____
 Present Not present

Child: _____ Attorney: _____
 Present Not present

Other: _____ Attorney: _____
 Present Not present

Interpreter: _____ Language: _____

2. Absent People.

This person(s) was not present for the hearing, but the court file shows that the person(s) previously appeared, or has been served with notice:

_____.

This person(s) was not present for the hearing, and the court file does not show that the person(s) previously appeared or was served with notice: _____

_____. The State will make efforts to locate and serve process on this person(s), and file proof of service with the court. If service of process is not completed, the State will file a written report with the court documenting the efforts made to locate and serve process.

3. Children and Foster Parents

IDHW confirmed that children 8 years of age and older were given notice of the hearing. These children came to the hearing: _____.

These children did not come to the hearing, because: _____

_____.

IDHW confirmed that the foster parents were given notice of the hearing. These foster parents came to the hearing: _____

_____.

4. Indian child (children) as defined by the Indian Child Welfare Act (ICWA).

This child (children) is an Indian child as defined by the ICWA, and is affiliated with the following tribe(s):

Child: _____ Tribe: _____

Child: _____ Tribe: _____

Child: _____ Tribe: _____

- The court file shows that service of process has been made upon the tribe(s) as required by the ICWA.
- The court file does not show that service of process has been made upon the tribe(s) as required by the ICWA. The State will serve process on the tribe(s) in accordance with the ICWA and file proof of service with the court prior to the next hearing.
- There is no reason to believe that the child (children) is an Indian child as defined by the ICWA.
 - Each party, including the Department of Health and Welfare, has certified that they have not discovered and do not know of any information that suggests or indicates the child(children) is an Indian child as defined by the ICWA.
 - There is reason to believe that the child (children) may be an Indian child as defined by the ICWA. The child (children) may be affiliated with the following tribe(s):

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

Child: _____ Tribe(s): _____

The State will:

- Continue to make active efforts to determine if the child (children) is an Indian child as defined by the ICWA.
- Provide notice in accordance with the ICWA at least ten days before the next hearing and file proof of service with the court.
- Before the next hearing, file a written report that shows its efforts to determine whether the child is an Indian child and the tribe(s) with which the child is affiliated.

5. Agreements.

- This order is entered based on the agreement of the parties. The court finds that all parties entered into the agreement knowingly and voluntarily, that the agreement is in the best interest of the child (children), and that the agreement has a reasonable basis in fact.

6. Permanency Plan – Required Content

The permanency plan includes:

- The current foster care placement for the child, including information showing that the child's (children's) placement complies with Idaho Code §16-1629(11).

If the child (children) is an Indian Child, information showing that the child's (children's) placement complies with the ICWA.

Reasonable efforts to be made by IDHW to finalize the permanency plan for the child (children).

If the child (children) is an Indian child, active efforts to be made by IDHW to prevent the breakup of the Indian family.

Services to be provided to the child (children). This includes services to identify and meet any special needs the child may have, to assist the child in adjusting to the placement, or to ensure the stability of the placement.

Options for maintaining the child's connection to the community. This includes people, schools, organizations, or activities with which the child has a significant connection.

A goal for the permanent placement of this child (children) and a plan for achieving that goal. The plan includes:

all options for permanent placement of the child, including in-state and out-of state placement options;

the advantages and disadvantages of each option, and a recommendation as to which option is in the child's best interest;

the actions necessary to implement the recommended option;

a schedule for accomplishing the actions necessary to implement the permanency goal within the time frames in IJR 44 and 46;

if the permanency goal for a child 16 years of age or older is "another permanent planned living arrangement" (APPLA), IDHW's past efforts and planned future efforts to achieve a more permanent goal for the child.

If the child (youth) is 14 years of age or older, the services IDHW will provide to assist the youth to make the transition to independent living.

7. Permanency Plan - Order

The permanency plan is approved approved with the following changes:

The permanency plan (including all documents submitted by IDHW to comply with Idaho Code § 16-1622 and IJR 45 and 46) is incorporated by reference in this order. All parties, including

IDHW, will comply with the permanency plan. *FAILURE TO COMPLY*: Failure to comply with the plan may result in a finding of contempt, which is punishable by up to five days in jail and a fine of up to \$5,000. If a parent fails to comply with the plan, the state may file a petition to terminate parental rights. These are the permanency goals for the (each) child:

Child: _____ Primary permanency goal: _____

Concurrent permanency goal: _____

Child: _____ Primary Permanency goal: _____

Concurrent Permanency goal: _____

Child: _____ Primary permanency goal: _____

Concurrent permanency goal: _____

This child (children) is 14 years of age or older: _____

and the permanency plan as approved by the court identifies the services IDHW will provide to assist the child (children) to make the transition from foster care to independent living.

The child (children) is 16 years of age or older: _____

and the permanency plan as approved by the court includes a permanency goal of “another planned permanent living arrangement” for this child (children).

The court has asked the child (children) about the child’s desired permanency outcome;

APPLA is the best permanency plan for the child (children);

There are these compelling reasons why a more permanent goal is not in the best interest of the child: _____

_____.

The permanency plan is rejected. The case plan is inadequate for these reasons:

_____.

_____ . A continued permanency plan hearing is set for: _____. IDHW will prepare a new case plan, file it with the court, and serve copies on the parties at least five days prior to the hearing.

8. Reasonable efforts to finalize the primary permanency goal.

IDHW has made reasonable efforts to finalize the primary permanency goal in effect for the child (children). The court makes this finding based on:

the information in the report by IDHW, dated _____, that was filed in this case, and is incorporated in this order by reference.

the information in the report by the GAL, dated _____, that was filed in this case, and is incorporated in this order by reference.

_____.

At this time, the record does not support a finding that IDHW made reasonable efforts to finalize the primary permanency goal for the child (children). These additional efforts, or additional evidence of IDHW's efforts, are necessary to support a finding that IDHW made reasonable efforts to finalize a permanency plan for the child (children): _____

_____.

A permanency hearing will continue on _____ to address this issue.

IDHW has not made reasonable efforts to finalize the primary permanency goal in effect for the child (children), for the period beginning on: _____ and ending on _____.

IDHW's efforts have been unreasonable in these ways: _____

_____.

Another permanency hearing will be held on _____ to further address this issue.

9. Indian Child (Children) and active efforts to prevent the breakup of the Indian family.

IDHW has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

At this time, the record is insufficient to support a finding that IDHW made active efforts to prevent the breakup of the Indian family. These additional efforts, or additional evidence of IDHW's efforts, are necessary to support a finding that IDHW made active efforts to prevent the breakup of the Indian family: _____

_____.

A permanency hearing will continue on _____ to address this issue.

This placement does does not comply with Idaho placement priorities.

10. Termination of parental rights.

The permanency plan as approved by the court includes a permanency goal of termination of parental rights and adoption. The State will file the petition to terminate parental rights within 30 days.

The child (children) has been in the custody of IDHW for fifteen of the last twenty-two months.

The State has filed a petition to terminate parental rights.

The State will file a petition to terminate parental rights within 30 days.

The State is not required to file a petition to terminate parental rights because:

The child (children) has been permanently placed with a relative.

IDHW has failed to provide reasonable efforts to reunify the child (children) with the child's (children's) family.

There are these compelling reasons why termination of parental rights is not in the best interest of the child (children): _____

_____.

11. Placement of Indian child/children.

The child (children) is an Indian child (children), and the child's (children's) placement:

complies with the placement preferences in ICWA. (42 U.S.C. §1915.)

does not comply with the placement preferences in ICWA. The state has shown by clear and convincing evidence that it has made active efforts to find a placement that complies

with the preferences in ICWA but such a preference is not available. There is clear and convincing evidence of good cause to depart from those preferences because: _____

_____.

does not comply with the placement preferences in ICWA. The State has not submitted evidence to support a placement that does not comply with the placement preferences in ICWA. The court will hold a further hearing on this issue on:

At that time, the State will submit evidence to show that the child (children) is in a placement that complies with the placement preferences in ICWA or that there is clear and convincing evidence of good cause to support a placement that does not comply with the placement preferences in ICWA.

12. Custody of the child (children)

The child children this child/children: _____
is currently in the custody of IDHW, and it is in the best interest of the child (children) to remain in the custody of IDHW.

The child children this child/children: _____
are currently in the custody of IDHW. The safety and welfare of the child (children) can be adequately safeguarded by placing the child (children) in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the IDHW. The child (children) is placed in the custody of _____, who is the mother father legal guardian legal custodian Indian custodian of the child, under the protective supervision of IDHW. To ensure the safety and welfare of the child (children), this placement is subject to these conditions: _____

_____.

13. Visitation.

The court considered visitation, including: visitation with parents and siblings, frequency and conditions of visitation, whether the parents are consistently attending and interacting appropriately with the child (children), whether there are obstacles to visitation, and whether

there are opportunities to increase visitation consistent with the safety and welfare of the child. Visitation will continue in accordance with IDHW regulations and policies, but subject to the following: _____

14. Extended home visit.

- An extended home visit has been requested. The request is:
 - denied.
 - granted. An extended home visit is approved for: The child the children
 - this child/children: _____ with: _____
 - _____ until _____ (no more than 180 days).

The visit is subject to IDHW regulations and policies, and subject to these conditions:

_____.

15. Next hearing.

- A status hearing will be held _____.
- A 6-month review hearing will be held _____.

All parties, including IDHW, will attend the status/review hearing(s). IDHW and the Guardian *ad Litem* will investigate, file written progress reports with the court, and serve copies of the report on the parties prior to the review hearing. IDHW will notify the children and the foster parents of the hearing(s), and their right to an opportunity to be heard at the hearing(s). IDHW will provide confirmation to the court that this notice was given.

16. Protective order.

- A continuing danger to the child (children) has been shown, and entry of a protection order is in the child's (children's) best interest. The court orders as follows: _____

_____.

- The court entered a protective order at a prior hearing. The order:
 - will remain in effect until the court orders otherwise.
 - is withdrawn.

will remain in effect, with the following changes: _____

17. Other orders. The court also orders as follows:

Date: _____

Magistrate Judge

AGREEMENTS (Stipulations)

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

GAL: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____ Attorney: _____

Signature: _____ Signature: _____

Other: _____ Attorney: _____

Signature: _____ Signature: _____

Interpreter.

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of this order to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

_____.
The court releases a copy of this order to the court in the adoption proceeding.

Date: _____

Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of the attached to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

- The proposed adoptive parent(s) is not a step-parent or grandparent of the child.
- The proposed adoptive parent(s) is a step-parent or a grandparent of the child, but the court in its discretion has decided that a social investigation should be made.

The Idaho Department of Health and Welfare, or a licensed children’s adoption agency designated by IDHW, will investigate and file a written report of social investigation with the court within 30 days of notice of this order. The court will include the information, recommendations, and reasons for those recommendations, required by Idaho Code §16-1506(3).

IDHW, or the designated adoption agency, may require the petitioners to pay all or any part of the cost of the investigation and social report. If the report disapproves the adoption, the court may be asked to dismiss the petition. The petitioners may ask the court in writing to waive the order for social investigation, which the court may grant where permitted by statute.

Date: _____

Magistrate Judge

CERTIFICATE OF SERVICE

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- By mail
- By email
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Deputy Clerk

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Deputy Clerk

Interpreter: _____ Language: _____

2. Status review.

The court reviewed the following matters: _____

_____.

3. Order.

The court orders as follows: _____

_____.

4. Next hearing.

All parties, including IDHW, will attend the next hearing.

A status hearing will be held _____.

A 6-month review hearing will be held _____.

IDHW and the Guardian *ad Litem* will investigate, file written progress reports with the court, and serve copies of the report on the parties prior to the review hearing.

A permanency hearing will be held _____.

IDHW will prepare a written permanency plan, file the plan with the court, and serve copies of the plan on the parties at least five days prior to the case plan hearing. The permanency plan will include the information specified in Idaho Code § 16-1622 and IJR 46. If the child is in the custody of IDHW, the plan will identify the current foster care placement for the child, including information showing that the child's (children's) placement complies with the Child Protective Act. If the child (children) is an Indian child, the plan will also include information showing that the child's (children's) placement complies with the Indian Child Welfare Act.

Date: _____

Magistrate Judge

AGREEMENTS / STIPULATIONS

I have read this order, I understand this order, and I agree to this order.

Prosecutor/ deputy attorney general: _____

Signature: _____

IDHW caseworker: _____

Signature: _____

GAL: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Parent: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Other: _____

Attorney: _____

Signature: _____

Signature: _____

Interpreter

Name of interpreter and language: _____

CERTIFICATE OF SERVICE

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Deputy Clerk

CERTIFICATE OF SERVICE

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- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

Date: _____

Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of the attached to:

- By mail
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Deputy Clerk

3. Harm to the child.

Continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical harm to the child. This finding is supported by evidence beyond a reasonable doubt, including the testimony of a qualified expert witness.

The court makes this finding based on: _____

_____.

4. Active efforts.

Active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts have proved unsuccessful. The court makes this finding based on: _____

_____.

5. Consent to termination.

This person(s) consented to termination of their rights. The consent complies with Idaho Code § 16-2005(4). The file contains a written consent signed by the person consenting to termination. The written consent includes a certification of a presiding judge of a court of competent jurisdiction. The certificate confirms that the person executed the consent before the court, that the terms and consequences of the consent were fully explained in detail and were fully understood by the person consenting, and that the person understood the explanation in English or that it was interpreted into a language that the person consenting understood. The child was born at least ten days before the person signed the consent.

Mother: _____

Father: _____

Indian custodian: _____

Date: _____

Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on _____, I served a copy of the attached to:

- By mail
- By email
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex
- Deposit in designated courthouse mailbox

Deputy Clerk

DRAFT

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF: _____)

Case No. _____)

_____)

ICWA CONSENT TO TERMINATION
OF PARENTAL RIGHTS

A Child/Children Under Eighteen
Years of Age. _____)

1. Consent.

I am the _____ of _____, who
was born on _____. I give my full and free consent to the
complete and absolute termination of my parental rights to this child. I relinquish
completely and forever, all legal rights, privileges, duties and obligations, including all
rights of inheritance to and from the child. I expressly waive my right to a hearing on the
petition to terminate my parental relationship with the child, and ask that the petition be
granted.

I understand that I have the right to talk to an attorney. I had the opportunity to talk to
an attorney, or I chose not to and I waive this right.

It has been at least ten days since the child was born.

2. Identifying information (where available).

Name and address of person consenting: _____

Child's Name/Date of Birth: _____

Child's Indian Tribe: _____

Tribal Enrollment Number or other information showing child's membership or
eligibility for membership in tribe:

_____.

DATED: _____, 20____.

Signature of: _____

STATE OF IDAHO)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned _____ (Magistrate or District) Judge of the District Court of the _____ Judicial District of the state of Idaho, in and for the county of _____, personally appeared _____, known to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

I certify that the person executed the consent before the court, that the terms and consequences of the consent were fully explained in detail and were fully understood by the person consenting, and that the person understood the explanation in English or that it was interpreted into a language that the person consenting understood.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Signature of: _____
_____ Judge

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF: _____)

Case No. _____)

_____)

CONSENT TO TERMINATION
OF PARENTAL RIGHTS)

A Child/Children Under Eighteen
Years of Age. _____)

I am the _____ of _____, who
was born on _____. I give my full and free consent to the
complete and absolute termination of my parental rights to this child. I relinquish
completely and forever, all legal rights, privileges, duties and obligations, including all
rights of inheritance to and from the child. I expressly waive my right to a hearing on the
petition to terminate my parental relationship with the child, and ask that the petition be
granted.

I understand that I have the right to talk to an attorney. I had the opportunity to talk to
an attorney, or I chose not to and waive this right.

I certify that I am not enrolled in an Indian tribe, nor am I eligible to be enrolled in an
Indian tribe.

DATED: _____, 20____.

Signature of: _____

STATE OF IDAHO _____)

) ss.

COUNTY OF _____)

On this _____ day of _____, 20____, before me, the
undersigned _____ (Magistrate or District) Judge of the District Court of
the _____ Judicial District of the state of Idaho, in and for the county of _____,

personally appeared _____, known to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Signature of: _____

Judge

DRAFT