

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF CHILD PROTECTIVE )  
ACT MANDATORY FORMS )

ORDER

The Court, having received from the Child Protection Committee a recommendation to approve, under the guidance and oversight of said committee, amended mandatory Child Protective Act forms, and the Court having reviewed and approved these forms;

The following forms, which are attached to this order as Schedule A, are approved and adopted for mandatory statewide use:

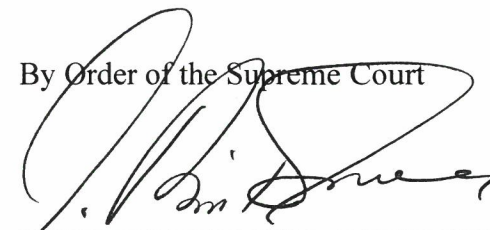
- CP Adjudicatory Decree (M30)
- CP Adjudicatory Decree with Aggravated Circumstances (M31)
- CP Adjudicatory Decree with ICWA Findings (M32)
- CP Removal and Redispotion Hearing (M33)
- CP Redispotion Order (M34)
- CP Redispotion Order with ICWA Findings (M35)
- CP Shelter Care Order (M36)
- CP Summons and Order for Removal (M37)

A copy of the forms shall be sent to all magistrate judges, clerks of the district court, trial court administrators and administrative district judges.

This order is effective immediately.

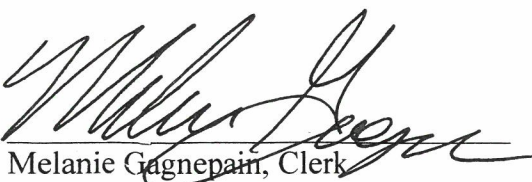
DATED this 28<sup>th</sup> day of May, 2024.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 5-28-24  
Melanie Gagnepain, Clerk

By  Deputy

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Adjudicatory Decree

Child(ren):

Custody of I.D.H.W.

Under Protective Supervision of I.D.H.W.

Idaho Code § 16-1619 and

Idaho Juvenile Rule 41

The Court held an Adjudicatory Hearing on <\_HearDate38\_> and makes these findings and enters this Decree.

### 1. Appearances.

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

Prosecutor: < AllAttorney23 >

Idaho Department of Health and Welfare (I.D.H.W.): <\_FormTokenSigText\_>;

< AllAttorney >

Guardian *ad*

*Litem* (G.A.L.): < NameParam >

Attorney: < AllAttorney >

Mother: < NameParam >

Attorney: < AllAttorney >

Father: < NameParam >

Attorney: < AllAttorney >

Child: < NameParam >

Attorney: < AllAttorney >

Other: < NameParam >

Attorney: < AllAttorney >

Interpreter: < Interpreter >

Language: \_\_\_\_\_

### 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. Right to counsel.

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in accordance with the C.P.A.. The Court advised the guardian ad litem of their right to

counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Paternity.**

- More effort is needed to identify the father of a child in this case. The State will continue efforts to identify, locate, and serve process upon the father of the child(ren). I.D.H.W. will provide the testing.

**5. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

- At this time, there is no reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A.
- Each party, including I.D.H.W., has certified that they do not have reason to know that the child(ren) is an Indian child as defined by the I.C.W.A.
- There is reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A. The Court inquired about the efforts that have been made since the last hearing to determine whether the child(ren) is an Indian child and the Department's efforts to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.

The child(ren) may be a member of or eligible for membership in these tribe(s):

<u>Child(ren)</u>	<u>Tribes:</u>
_____	_____
_____	_____
_____	_____
_____	_____

The State will:

- Use due diligence to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.
- Before the next hearing, file a written report that shows its efforts to determine whether the child(ren) is an Indian child and the tribe(s) with which the child(ren) is a member or is eligible for membership.
- If the State discovers reason to know that the child(ren) is an Indian child(ren) as defined by the I.C.W.A., provide notice based on the I.C.W.A. at least ten days before the next hearing and file proof of service with the Court.

**6. Petition.**

- A C.P.A. 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 C.P.A. based on I.J.R. 16.

**7. Jurisdiction of the case.**

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

**8. Agreements/Stipulations.**

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(ren), and that the agreement has a reasonable basis in fact.

**9. Jurisdiction of the child(ren).**

The child(ren) comes within the jurisdiction of the C.P.A. 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(ren) until the child(ren) turns 18 years of age, unless otherwise ordered by the Court.

**10. Custody of the child(ren), best interest of the child(ren).**

**Custody of I.D.H.W.**

a. The  child  children  this child(ren): \_\_\_\_\_ is placed in the legal custody of I.D.H.W. The date the child(ren) entered shelter care is: \_\_\_\_\_.

While in I.D.H.W. custody, the child(ren) may travel out of state for a period of up to \_\_\_\_\_ days, in the company of an adult and based on I.D.H.W. 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(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W. 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 I.D.H.W. and the G.A.L., that have been filed in this case, and are incorporated in this Decree by reference.

the following facts, which support the conclusions that it would be contrary to the welfare of the child(ren) to be returned home and that it is in the child(ren)'s best interest to be placed in the custody of the I.D.H.W.: \_\_\_\_\_

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

The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school,

2. I.D.H.W.'s efforts to place siblings together or to have ongoing contact among siblings not placed together, and
3. whether the child(ren) is being treated with psychotropic medications, the medications and dosages prescribed, and the medical professional who prescribed the medication.

**Protective Supervision of I.D.H.W.**

- a. The safety and welfare of  the child  the children  this child(ren): \_\_\_\_\_ can be adequately safeguarded by placing the child(ren) in the custody of a parent, legal guardian, or legal custodian, under the protective supervision of the I.D.H.W.
  - b. The child(ren) is placed in the custody of \_\_\_\_\_, who is the  mother  father  legal guardian  legal custodian of the child(ren), under the protective supervision of I.D.H.W.
- To ensure the safety and welfare of the child(ren), this placement is subject to these conditions: \_\_\_\_\_

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

a. Efforts

- I.D.H.W. made reasonable efforts to eliminate the need for shelter care but those efforts were unsuccessful.
- I.D.H.W. made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventative services.
- I.D.H.W. made reasonable efforts to temporarily place the child(ren) with related persons but those efforts were unsuccessful.
- At this time, the record does not support a finding that I.D.H.W. made reasonable efforts to eliminate the need for shelter care. This issue will be addressed again, within sixty (60) days from the date of removal, at a hearing to be held \_\_\_\_\_.

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 Decree by reference.
- the following facts, which support the above conclusion regarding the reasonableness of I.D.H.W.'s efforts: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

**12. Case plan and case plan hearing.**

A Case Plan Hearing will be held on: < NxtHrgDate > at < NxtHrgTime >.

All parties, including I.D.H.W., will attend the Case Plan Hearing.

I.D.H.W. will notify the child(ren) and the foster parents of the Case Plan Hearing, and their

right to an opportunity to be heard at the Hearing. I.D.H.W. will provide confirmation to the Court that this notice was given.

I.D.H.W. 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 I.J.R. 44. If the child(ren) is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child(ren), including information showing that the child's(ren's) placement complies with the C.P.A..

**13. Protective order.**

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

**14. Other orders.**

The Court also orders as follows: \_\_\_\_\_.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
< \_CaseJudOfficer18\_ >  
Magistrate Judge

**CERTIFICATE OF SERVICE**

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

<\_AllAttorney\_>                      <\_AttyEmailAddress\_>                      <\_AllAttorney\_>

<\_CCListAllParAddrCase38\_>   <\_CCListAllParAddrCase39\_>   <\_CCListAllParAddrCase40\_>

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName01\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Adjudicatory  
Decree – Aggravated Circumstances

Idaho Code §§ 16-1602, 16-1619, and  
Idaho Juvenile Rule 41

The Court held an Adjudicatory Hearing on <\_HearDate38\_> and makes these findings and enters this Decree.

**1. Appearances.**

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

Prosecutor: <\_AllAttorney06\_>

Idaho Department of Health and Welfare (I.D.H.W.): <\_FormTokenSigText12\_>;  
<\_AllAttorney\_>

Guardian *ad*

*Litem* (G.A.L.): <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Mother: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Father: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Child: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Other: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Interpreter: <\_Interpreter\_>

Language: \_\_\_\_\_

**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. Right to counsel.**

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in accordance with the C.P.A.. The Court advised the guardian ad litem of their right to counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Paternity.**

- More effort is needed to identify the father of a child in this case. The State will continue efforts to identify, locate, and serve process upon the father of the child(ren). I.D.H.W. will provide the testing.

**5. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

- At this time, there is no reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A..
- Each party, including I.D.H.W., has certified that they do not have reason to know that the child(ren) is an Indian child as defined by the I.C.W.A..
- The child is an Indian child as defined by the I.C.W.A. or there is reason to know that the child is an Indian child. Aggravated circumstances is not an exception to the requirement to use active efforts to reunify an Indian family. Therefore, the portion of the petition seeking a determination of aggravated circumstances is denied.

**6. Petition.**

- A C.P.A. petition has been filed in this case.

**7. Jurisdiction of the case.**

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

**8. Agreements/Stipulations.**

- 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(ren), and that the agreement has a reasonable basis in fact.

**9. Jurisdiction of the child(ren), aggravated circumstances.**

a. The child(ren) comes within the jurisdiction of the C.P.A. 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(ren) until the child(ren) turns 18 years of age, unless otherwise ordered by the Court.

b. Aggravated circumstances were present.

The aggravated circumstances were:

- The parent abandoned the child.
- The parent engaged in chronic abuse or neglect of the child so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk to the health and welfare of the child.



- The parent engaged in sexual abuse of a child of the parent, which includes any conduct described in Idaho Code §§ 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6608, or 18-8602.
- The parent engaged in torture of a child.
- The parent engaged in any conduct described in the sections listed in Idaho Code § 18-8303(1) (aggravated offenses).
- The parent engaged in battery or injury to a child that resulted in serious or great bodily injury to a child.
- The parent engaged in voluntary manslaughter of a child, aiding or abetting the voluntary manslaughter of a child, soliciting the voluntary manslaughter of a child, or attempting or conspiring to commit the voluntary manslaughter of a child.
- The parent has committed murder, aided or abetted a murder, solicited a murder, or attempted or conspired to commit a murder.
- The parental rights of the parent to another child have been terminated involuntarily.
- Other: \_\_\_\_\_
- The Court makes these findings based on the information in the verified petition and the affidavits in support of the petition.
- The Court's findings and conclusions are set forth in \_\_\_\_\_, which was filed \_\_\_\_\_, and is incorporated in this Decree by reference.

**10. Custody of the child(ren), best interest of the child(ren).**

- a. The child(ren) is placed in the legal custody of I.D.H.W.. The date the child(ren) entered shelter care: \_\_\_\_\_.
- While in I.D.H.W. custody, the child(ren) may travel out of state for a period of up to \_\_\_\_\_ days, in the company of an adult and based on I.D.H.W. 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(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W.. 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 I.D.H.W. and the G.A.L., that have been filed in this case, and are incorporated in this Decree by reference.
  - the following facts, which support the conclusions that it would be contrary to the welfare of the child(ren) to be returned home and that it is in the child(ren)'s best interest to be placed in the custody of the I.D.H.W.: \_\_\_\_\_

\_\_\_\_\_.

c. The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school,
2. I.D.H.W.'s efforts to place siblings together or to have ongoing contact among siblings not placed together, and
3. whether the child(ren) is being treated with psychotropic medications, the medications and dosages prescribed, and the medical professional who prescribed the medication.

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

Reasonable efforts to prevent removal of the child(ren) were not required because aggravated circumstances were present. 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 following facts, which support the above conclusion regarding the reasonableness of I.D.H.W.'s efforts: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_.

**12. Further proceedings.**

A Permanency Hearing will be held < NxtHrgDate > < NxtHrgDate > at  
< NxtHrgTime > < NxtHrgTime >.

I.D.H.W. 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 Permanency Hearing. The permanency plan will include the information specified in Idaho Code § 16-1620 and I.J.R. 44(b) and 46. The plan will identify the current foster care placement for the child. I.D.H.W. will notify the child(ren) and the foster parents of the hearing and their right to be heard at the hearing. I.D.H.W. will provide confirmation to the Court that this notice was given.

**13. Protective order.**

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

**14. Other orders.**

The Court also orders as follows: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
< \_CaseJudOfficer18\_ >  
Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

<\_AllAttorney\_>

<\_AttyEmailAddress\_>

<\_AllAttorney\_>

<\_CCListAllParAddrCase\_>

< CCListAllParAddrCase >

<\_CCListAllParAddrCase\_>

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName01\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Adjudicatory  
Decree with I.C.W.A. Findings

Child(ren):

Custody to I.D.H.W.

Under Protective Supervision of I.D.H.W.

Idaho Code § 16-1619 and  
Idaho Juvenile Rule 41

The Court held an Adjudicatory Hearing on <\_HearDate\_> and makes these findings and enters  
this Decree.

**1. Appearances.**

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

Prosecutor: <\_AllAttorney06\_>

Idaho Department of Health and Welfare (I.D.H.W.): <\_FormTokenSigText12\_>,  
<\_AllAttorney\_>

Guardian *ad*

*Litem* (G.A.L.): <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Mother: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Father: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Child: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Indian  
Custodian: <\_NameParam\_>

Attorney <\_AllAttorney\_>

Other: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Interpreter: <\_Interpreter\_>

Language: \_\_\_\_\_

**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. Right to counsel**

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in accordance with the C.P.A.. The Court advised the guardian ad litem of their right to counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Paternity.**

More effort is needed to identify the father of a child in this case. The State will continue efforts to identify, locate, and serve process upon the father of this child(ren). I.D.H.W. will provide the testing.

**5. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

There is reason to know that the child(ren) may be an Indian child as defined by the I.C.W.A.. The child(ren) may be a member of or eligible for membership in these tribe(s):

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

The parent(s) and/or Indian custodian have been given the court's form for Notice to Indian Child's Parent, Tribe, and Indian Custodian.

The State will:

- Use due diligence to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.
- Provide notice based on the I.C.W.A. 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(ren) is an Indian child and the tribe(s) in which the child(ren) is a member or is eligible for membership.

This child(ren) is an Indian child as defined by the I.C.W.A., and is a member of or is eligible for membership in these tribe(s):

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

The parent(s) and/or Indian custodian have been given the court's form for Notice to Indian Child's Parent, Tribe, and Indian Custodian.

The court file shows that the tribe(s) was served as required by the I.C.W.A..

- The court file does not show that the tribe(s) was served as required by the I.C.W.A.. The State will serve process on the tribe(s) based on the I.C.W.A. and file proof of service with the court before the next hearing.

**6. Petition.**

- A C.P.A. 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 C.P.A. based on I.J.R. 16.

**7. Jurisdiction of the case.**

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

**8. Agreements/Stipulations.**

- 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(ren), and that the agreement has a reasonable basis in fact.

**9. Jurisdiction of the child(ren).** The child(ren) comes within the jurisdiction of the C.P.A. 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(ren) until the child(ren) turns 18 years of age, unless otherwise ordered by the Court.

**10. Custody of the child(ren), best interest of the child(ren).**

**Custody of I.D.H.W.**

- a. The  child  children  this child(ren): \_\_\_\_\_ is placed in the legal custody of I.D.H.W.. The date the child(ren) entered shelter care is: \_\_\_\_\_.

- While in I.D.H.W. custody, the child(ren) may travel out of state for a period of up to \_\_\_\_\_ days, in the company of an adult and based on I.D.H.W. 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(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W.. 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 I.D.H.W. and the G.A.L., that have been filed in this case, and are incorporated in this Decree by reference.

the following facts, which support the conclusions that it would be contrary to the welfare of the child(ren) to be returned home and that it is in the child(ren)'s best interest to be placed in the custody of the I.D.H.W.: \_\_\_\_\_

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

c. The Court makes these additional findings pursuant to I.C.W.A..

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

The Court has identified the following facts, which support the conclusions that continued custody of the child(ren) by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child(ren): \_\_\_\_\_

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

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 has identified the following facts, which support the above conclusion regarding active efforts: \_\_\_\_\_

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

The Court makes these findings 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.

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

d. The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school,
2. I.D.H.W.'s efforts to place siblings together or to have ongoing contact among siblings not placed together, and
3. whether the child(ren) is being treated with psychotropic medications, the medications and dosages prescribed, and the medical professional who prescribed the medication.

**Protective Supervision of I.D.H.W.**

- a. The safety and welfare of  the child  the children  this child(ren): \_\_\_\_\_ can be adequately safeguarded by placing the child(ren) in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the I.D.H.W..
- b. The child(ren) is placed in the custody of \_\_\_\_\_, who is the  mother  father  legal guardian  legal custodian  Indian custodian of the child(ren), under the protective supervision of I.D.H.W..
- To ensure the safety and welfare of the child(ren), this placement is subject to these conditions: \_\_\_\_\_.

**11. Placement of Indian child.**

- The child's(ren's) placement:
- complies with the placement preferences in the I.C.W.A. (42 U.S.C. § 1915).
  - does not comply with the placement preferences in the I.C.W.A.. There is clear and convincing evidence of good cause to depart from those preferences because: \_\_\_\_\_.
  - does not comply with the placement preferences in the I.C.W.A.. The State has not submitted evidence to support a placement that fails to comply with the placement preferences in the I.C.W.A.. The Court will hold a further hearing on this issue on: \_\_\_\_\_. At that time, the State will submit evidence to show that the child(ren) is in a placement that complies with the placement preferences in the I.C.W.A. or that there is clear and convincing evidence to support a placement that does not comply with the placement preferences in the I.C.W.A..

**12. Case plan and case plan hearing.**

A Case Plan Hearing will be held on: < NxtHrgDate > at < NxtHrgTime >.

All parties, including the I.D.H.W., will attend the Case Plan Hearing.

I.D.H.W. will notify the child(ren) and the foster parents of the Case Plan Hearing, and their right to be heard at the hearing. I.D.H.W. will provide confirmation to the Court that this notice was given.

I.D.H.W. 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 I.J.R. 44. If the child(ren) is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child(ren), including information showing that the child's(ren's) placement complies with the C.P.A.. If the child(ren) is an Indian child, the plan will also include information showing that the child's(ren's) placement complies with the I.C.W.A..



**13. Protective order.**

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

**14. Other orders.**

The Court also orders as follows: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
<\_CaseJudOfficer18\_>  
Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

<\_AllAttorney\_>

<\_AttyEmailAddress\_>

<\_AllAttorney\_>

<\_CCListAllParAddrCase\_>

< CCListAllParAddrCase >

<\_CCListAllParAddrCase\_>

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Order for  
Removal and Redisposition Hearing

Idaho Code § 16-1623 and  
Idaho Juvenile Rule (I.J.R.) 47

The Court has been asked to issue an order to remove the child(ren) from the home and for a hearing. At an earlier hearing, the Court took jurisdiction over the child(ren) under the Child Protective Act (C.P.A.) and placed the child(ren) in the custody of <\_GenericPrompt\_>, under the protective supervision of the Idaho Department of Health and Welfare (I.D.H.W.). A party is asking that the child(ren) be removed from that person's custody and be placed in the custody of Idaho Department of Health and Welfare.

The Court makes these findings and orders.

**1. Custody of the child(ren), best interest of the child(ren).**

- The child  the children  this child(ren) \_\_\_\_\_ is/are placed in the legal custody of I.D.H.W. until the Redisposition Hearing.
- It is contrary to the welfare of the child(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W.. The Court makes this finding based on:
- the information in the affidavit(s) in support of the State's motion that has been filed in this case, and is incorporated in this Order by reference.
- \_\_\_\_\_.
- The child(ren) is an Indian child or there is reason to believe the child(ren) is an Indian child. Continued custody of the child(ren) by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child(ren). 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(ren): \_\_\_\_\_ to an authorized place of shelter care until the Redisposition Hearing.

**3. Redisposition Hearing.**

A Redisposition Hearing will be held < HearDate > at < NxtHrgTime >.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
<\_CaseJudOfficer18\_>  
Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

<\_AllAttorney\_>                      <\_AttyEmailAddress\_>                      <\_AllAttorney\_>

<\_CCListAllParAddrCase\_>      <\_CCListAllParAddrCase\_>      <\_CCListAllParAddrCase\_>

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Redisposition Order

Child(ren):

Custody of I.D.H.W.

Under Protective Supervision of I.D.H.W.

Idaho Code §§ 16-1623, 16-1619 and Idaho  
Juvenile Rule (I.J.R.) 47

The Court held a Redisposition Hearing on <\_HearDate\_>. At an earlier hearing, the Court took jurisdiction over the child(ren) under the Child Protective Act (C.P.A.) and placed the child(ren) in the custody of <\_GenericPrompt\_>, under the protective supervision of the Idaho Department of Health and Welfare (I.D.H.W.). A party has asked the Court to remove the child(ren) from that person's custody and to place the child(ren) in the custody of I.D.H.W..

The Court makes these findings and orders.

1. **Appearances.**

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

Prosecutor: <\_AllAttorney\_>

Idaho Department of Health and Welfare (I.D.H.W.): <\_FormTokenSigText036\_>;  
<\_AllAttorney037\_>

Guardian *ad*  
*Litem* (GAL):

<\_NameParam\_>

Attorney: <\_AllAttorney\_>

Mother:

<\_NameParam\_>

Attorney: <\_AllAttorney\_>

Father:

<\_NameParam\_>

Attorney: <\_AllAttorney\_>

Child:

<\_NameParam\_>

Attorney: <\_AllAttorney\_>

Other:

<\_NameParam\_>

Attorney: <\_AllAttorney\_>

Interpreter:

\_\_\_\_\_

Language:

\_\_\_\_\_

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. Right to counsel.**

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in accordance with the C.P.A.. The Court advised the guardian ad litem of their right to counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

- At this time, there is no reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A..
- Each party, including the I.D.H.W., has certified that they do not have reason to know that the child(ren) is an Indian child as defined by the I.C.W.A..
- There is reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A.. The Court inquired about the efforts that have been made since the last hearing to determine whether the child(ren) is an Indian child and I.D.H.W.'s efforts to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.

The child(ren) may be a member of or may be eligible for membership in these tribe(s):

<u>Child(ren)</u>	<u>Indian Tribes</u>
_____	_____
_____	_____
_____	_____
_____	_____

The State will:

- Use due diligence to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.
- Take all practical steps to notify the child's(ren's) tribe(s) about any hearings regarding the emergency removal or emergency placement of the child(ren).
- Before the next hearing, file a written report that shows its efforts to determine whether the child(ren) is an Indian child and the tribe(s) in which the child(ren) is a member or is eligible for membership.
- If the State discovers that there is reason to know that the child(ren) is an Indian child(ren) as defined by the I.C.W.A., provide notice of the I.C.W.A. child custody proceeding at least ten days before the next hearing and file proof of service with the court.

**5. Agreements/Stipulations.**

- 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(ren), and that the agreement has a reasonable basis in fact.

**6. Custody of the child(ren), best interest of the child(ren).**

**Custody to I.D.H.W.**

- a. The  child  children  this child(ren): \_\_\_\_\_ is placed in the legal custody of I.D.H.W.. The date the child(ren) entered foster care is: \_\_\_\_\_.

- While in I.D.H.W. custody, the child(ren) may travel out of state for a period of up to \_\_\_\_\_ days, in the company of an adult and consistent with I.D.H.W. 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(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W.. The Court makes this finding based on:

- the information in the affidavit(s) in support of the motion for removal and redispotion, that has been filed in this case, and is incorporated in this Decree by reference.

- the reports of investigation prepared by I.D.H.W. and the G.A.L., that have been filed in this case, and are incorporated in this Decree by reference.

- the following facts, which support the conclusion that it would be contrary to the welfare of the child(ren) to be returned home and that it is in the child(ren)'s best interest to be placed in the custody of the I.D.H.W.: \_\_\_\_\_

\_\_\_\_\_

- c. The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school.
2. I.D.H.W.'s efforts to place siblings together or ensure ongoing contact among siblings not placed together, and
3. whether the child(ren) is being treated with psychotropic medication, the medications and dosages prescribed for the child(ren), and the medical professional who prescribed the medication.

**Protective Supervision of I.D.H.W.**

- a. The safety and welfare of  the child  the children  this child(ren): \_\_\_\_\_ can be adequately safeguarded by placing the child(ren) in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the I.D.H.W..

b. The child(ren) is placed in the custody of \_\_\_\_\_, who is the  mother  father  legal guardian  legal custodian  Indian custodian of the child(ren), under the protective supervision of I.D.H.W..

To ensure the safety and welfare of the child(ren), this placement is subject to these conditions: \_\_\_\_\_.

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

a. Efforts

I.D.H.W. made reasonable efforts prior to placement of the child(ren) in shelter care to eliminate the need for shelter care but those efforts were unsuccessful.

I.D.H.W. made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventative services.

I.D.H.W. made reasonable efforts to temporarily place the child(ren) with related persons but those efforts were unsuccessful.

At this time, the record does not support a finding that I.D.H.W. made reasonable efforts to eliminate the need for shelter care. This issue will be addressed again, within sixty (60) days from the date of removal, at a hearing to be held: \_\_\_\_\_.

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.

the following facts, which support the above conclusion regarding the reasonableness of I.D.H.W.'s efforts: \_\_\_\_\_

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

**8. Next hearing.**

A Case Plan Hearing will be held < NxtHrgDate > at < NxtHrgTime >.

I.D.H.W. 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 I.J.R. 44. If the child(ren) is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child(ren), including information showing that the child's(ren's) placement complies with the C.P.A.. If the child(ren) is an Indian child, the plan will also include information showing that the child's(ren's) placement complies with the I.C.W.A..

A Status Hearing will be held < NxtHrgDate > at < NxtHrgTime >.

A six-month Review Hearing will be held < NxtHrgDate > at < NxtHrgTime >.

I.D.H.W. and the G.A.L. 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 < NxtHrgDate > < NxtHrgDate > at  
< NxtHrgTime > < NxtHrgTime >.

I.D.H.W. 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 Permanency Hearing. The permanency plan will include the information specified in Idaho Code § 16-1622 and I.J.R. 46. If the child is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child, including information showing that the child's(ren's) placement complies with the C.P.A.. If the child(ren) is an Indian child, the plan will also include information showing that the child(ren)'s placement complies with the I.C.W.A..

All parties, including I.D.H.W., will attend the hearing. I.D.H.W. will notify the child(ren) and the foster parents of the hearing, and their right to an opportunity to be heard at the hearing. I.D.H.W. will provide confirmation to the court that this notice was given.

**9. Protective order.**

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

**10. Other orders.**

The Court also orders as follows: \_\_\_\_\_.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
< CaseJudOfficer18\_>  
Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

< AllAttorney\_>

< AttyEmailAddress\_>

< AllAttorney\_>

< CCListAllParAddrCase\_>

< CCListAllParAddrCase\_>

< CCListAllParAddrCase\_>

< CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk



IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName01\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Redisposition  
Order with I.C.W.A. Findings

Child(ren):

Custody to I.D.H.W.

Under Protective Supervision of I.D.H.W.

Idaho Code §§ 16-1623, 16-1619 and  
Idaho Juvenile Rule 47

The Court held a Redisposition Hearing on < HearDate >. At an earlier hearing, the Court took jurisdiction over the children under the Child Protective Act (C.P.A.) and placed the child(ren) in the custody of < GenericPrompt038 > under the protective supervision of the Idaho Department of Health and Welfare (I.D.H.W.). A party has asked the Court to remove the child(ren) from that person's custody and to place the child(ren) in the custody of I.D.H.W..

The Court makes these findings and orders.

**1. Appearances.**

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

Prosecutor: < AllAttorney06 >

Idaho Department of Health and Welfare (I.D.H.W.): < FormTokenSigText12 >,  
<\_AllAttorney\_>

Guardian *ad*

*Litem* (G.A.L.): < NameParam >

Attorney: < AllAttorney >

Mother: < NameParam >

Attorney: < AllAttorney >

Father: < NameParam >

Attorney: < AllAttorney >

Child: < NameParam >

Attorney: < AllAttorney >

Indian

Custodian: < NameParam >

Attorney: < AllAttorney >

Other: < NameParam >

Attorney: < AllAttorney >

Interpreter: \_\_\_\_\_

Language: \_\_\_\_\_

**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. Right to counsel**

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in accordance with the C.P.A.. The Court advised the guardian ad litem of their right to counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

There is reason to know that the child(ren) may be an Indian child as defined by the I.C.W.A.. The child(ren) may be a member of or eligible for membership in these tribe(s):

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

The parent(s) and/or Indian custodian have been given the court's form for Notice to Indian Child's Parent, Tribe, and Indian Custodian.

The State will:

- Use due diligence to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.
- Provide notice of the I.C.W.A. child custody proceeding at least ten days before the Adjudicatory 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(ren) is an Indian child and the tribe(s) in which the child(ren) is a member or is eligible for membership.

This child(ren) is an Indian child as defined by the I.C.W.A., and is a member of or is eligible for membership in these tribe(s):

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

Child: \_\_\_\_\_ Tribe(s): \_\_\_\_\_

The parent(s) and/or Indian custodian have been given the court's form for Notice to Indian Child's Parent, Tribe, and Indian Custodian.

The court file shows that the tribe(s) was served as required by the I.C.W.A..

- The court file does not show that the tribe(s) was served as required by the I.C.W.A.. The State will serve process on the tribe(s) based on I.C.W.A. and file proof of service with the court before the next hearing.

**5. Agreements/Stipulations.**

- 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(ren), and that the agreement has a reasonable basis in fact.

**6. Custody of the child(ren), best interest of the child(ren).**

**Custody of I.D.H.W.**

- a. The  child  children  this child(ren): \_\_\_\_\_ is placed in the legal custody of I.D.H.W.. The date the child(ren) entered foster care is \_\_\_\_\_.

- While in I.D.H.W. custody, the child(ren) may travel out of state for a period of up to \_\_\_\_\_ days, in the company of an adult and consistent with I.D.H.W. 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(ren) to remain in the home. It is in the best interest of the child(ren) to be placed in the custody of I.D.H.W.. The Court makes this finding based on:

- the information in \_\_\_\_\_, dated \_\_\_\_\_, that has been filed in this case, and is incorporated in this Decree by reference.

- the following facts, which support the conclusion that it would be contrary to the welfare of the child(ren) to be returned home and that it is in the child(ren)'s best interest to be placed in the custody of the I.D.H.W.: \_\_\_\_\_

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

- c. The Court makes these additional findings pursuant to I.C.W.A..

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

- the Court has identified the following facts, which support the conclusions that continued custody of the child(ren) by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child(ren): \_\_\_\_\_

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

2. 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 has identified the following facts, which support the above conclusion regarding active efforts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. The Court makes these findings based on:

the information in \_\_\_\_\_, dated \_\_\_\_\_, that has been filed in this case, and are incorporated in this Decree by reference.

\_\_\_\_\_.

d. The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school,
2. I.D.H.W.'s efforts to place siblings together or ensure ongoing contact among siblings not placed together, and
3. whether the child(ren) is being treated with psychotropic medication, the medications and dosages prescribed for the child(ren), and the medical professional who prescribed the medication.

**Protective Supervision of I.D.H.W.**

a. The safety and welfare of  the child  the children  this child(ren): \_\_\_\_\_ can be adequately safeguarded by placing the child(ren) in the custody of a parent, legal guardian, legal custodian, or Indian custodian, under the protective supervision of the I.D.H.W..

b. The child(ren) is placed in the custody of \_\_\_\_\_, who is the  mother  father  legal guardian  legal custodian  Indian custodian of the child(ren), under the protective supervision of I.D.H.W..

To ensure the safety and welfare of the child(ren), this placement is subject to these conditions: \_\_\_\_\_.

**7. Placement of Indian child.**

The child's(ren's) placement:

complies with the placement preferences in the I.C.W.A. (42 U.S.C. § 1915).

does not comply with the placement preferences in the I.C.W.A.. There is clear and convincing evidence of good cause to depart from those preferences because: \_\_\_\_\_.

does not comply with the placement preferences in the I.C.W.A.. The State has not submitted evidence to support a placement that fails to comply with the placement preferences in the I.C.W.A.. The Court will hold a further hearing on this issue on: \_\_\_\_\_. At that time, the State will submit evidence to show that the child(ren) is in a placement that complies with the placement preferences in the I.C.W.A. or that there is clear and convincing evidence to support a placement that does not comply with the placement preferences in the I.C.W.A..

**8. Next hearing.**

- A Case Plan Hearing will be held on: < NxtHrgDate > at < NxtHrgTime >.
  - I.D.H.W. 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 I.J.R. 44. If the child(ren) is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child(ren), including information showing that the child's(ren's) placement complies with the C.P.A. and I.C.W.A..
- A Status Hearing will be held: < NxtHrgDate > at < NxtHrgTime >.
- A six-month Review Hearing will be held: < NxtHrgDate > at < NxtHrgTime >.
  - I.D.H.W. and the G.A.L. 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 < NxtHrgDate > < NxtHrgDate > at < NxtHrgTime > < NxtHrgTime >.
  - I.D.H.W. 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 Permanency Hearing. The permanency plan will include the information specified in Idaho Code § 16-1622 and I.J.R. 46. If the child is in the custody of I.D.H.W., the plan will identify the current foster care placement for the child, including information showing that the child's(ren's) placement complies with the C.P.A.. If the child(ren) is an Indian child, the plan will also include information showing that the child's(ren's) placement complies with the I.C.W.A..

All parties, including I.D.H.W., will attend the hearing. I.D.H.W. will notify the child(ren) and the foster parents of the hearing, and their right to be heard at the hearing. I.D.H.W. will provide confirmation to the Court that this notice was given.

**9. Protective order.**

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

**10. Other orders.**

The Court also orders as follows: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
<\_CaseJudOfficer18\_>  
Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

<\_AllAttorney\_>

<\_AttyEmailAddress\_>

<\_AllAttorney\_>

<\_CCListAllParAddrCase\_>    < CCListAllParAddrCase >    <\_CCListAllParAddrCase\_>

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DistrictName\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_CountyName\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen (18)  
years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.) Shelter Care  
Order

Idaho Code § 16-1615 and  
Idaho Juvenile Rule 39

The Court held a Shelter Care Hearing on <\_HearDate\_> and makes these findings and orders:

**1. Appearances.**

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

Prosecutor: <\_AllAttorney\_>

Idaho Department of Health and Welfare (I.D.H.W.): <\_FormTokenSigText12\_>,  
<\_AllAttorney\_>

Guardian *ad*

*Lite*m (G.A.L.): <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Mother: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Father: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Child: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Indian

Custodian: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Other: <\_NameParam\_>

Attorney: <\_AllAttorney\_>

Interpreter: \_\_\_\_\_

Language: \_\_\_\_\_

**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. Right to counsel.**

The parent(s), guardian(s), and/or custodian(s) of the child(ren) who have appeared have been given the court's form advising them of their rights. The Court advised the child(ren) age 12 and over of their right to counsel, and/or appointed counsel for the child(ren) in

accordance with the Child Protective Act (C.P.A.). The Court advised the guardian ad litem of their right to counsel, and/or appointed counsel for the guardian ad litem in accordance with the C.P.A..

**4. Paternity.**

- More effort is needed to identify the father of a child in this case. The State will continue efforts to identify, locate and serve process upon the father of this child(ren). I.D.H.W. will provide the testing.

**5. Indian child as defined by the Indian Child Welfare Act (I.C.W.A.).**

- At this time, there is no reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A..
- Each party, including I.D.H.W., has certified that they do not have reason to know that the child(ren) is an Indian child as defined by the I.C.W.A..
- There is reason to believe that the child(ren) is an Indian child as defined by the I.C.W.A.. The State will continue efforts to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership. Before the next hearing, the State will file a written report that shows its efforts to determine whether the child(ren) is an Indian child and the tribe(s) in which the child(ren) is a member of or eligible for membership.
- There is reason to know that the child(ren) may be an Indian child as defined by the I.C.W.A.. The child(ren) may be a member of or eligible for membership in these tribe(s):

<u>Child(ren)</u>	<u>Indian Tribes</u>
_____	_____
_____	_____
_____	_____
_____	_____

The State will:

- Use due diligence to determine if the child(ren) is an Indian child as defined by the I.C.W.A., and to work with all tribes of which the child(ren) may be a member to verify whether the child(ren) is a member or eligible for membership.
- Take all practical steps to notify the child's(ren's) tribe(s) about any hearings regarding the emergency removal or emergency placement of the child(ren).
- Provide notice of the I.C.W.A. child custody proceeding at least ten days before the Adjudicatory Hearing and file proof of service with the court.
- Before the Adjudicatory Hearing, file a written report that shows its efforts to determine whether the child(ren) is an Indian child and the tribe(s) with which the child(ren) is a member or eligible for membership.



- This child(ren) is an Indian child as defined by the I.C.W.A., and is a member or eligible for membership in these tribe(s):

<u>Child(ren)</u>	<u>Indian Tribes</u>
_____	_____
_____	_____
_____	_____
_____	_____

The State will:

- Take all practical steps to notify the child's(ren's) tribe(s) about any hearings regarding the emergency removal or emergency placement of the child(ren).
- Provide notice of the I.C.W.A. child custody proceeding at least ten days before the Adjudicatory Hearing and file proof of service with the court.

**6. Petition.**

- A C.P.A. 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 C.P.A. based on I.J.R. 16.

**7. Jurisdiction of the case.**

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

**8. Agreements/Stipulations.**

- 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(ren), and that the agreement has a reasonable basis in fact.

**9. Jurisdiction of the child(ren).**

There is reasonable cause to believe that the child(ren) comes within the jurisdiction of the C.P.A. 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(ren), best interest of the child(ren).**

**Shelter care.**

- a. The  child  children  this child(ren): \_\_\_\_\_ is placed in the temporary legal custody of I.D.H.W. until the Adjudicatory Hearing. The child(ren) was removed on: \_\_\_\_\_.
- b. It is contrary to the welfare of the child(ren) to remain in the home until the Adjudicatory Hearing. It is in the best interest of the child(ren) to be in the custody of I.D.H.W. until the Adjudicatory Hearing. The safety and welfare of the child(ren)

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 Decree by reference.

\_\_\_\_\_

- c. If the child(ren) is an Indian child, or if there is reason to know the child is an Indian child (see paragraph 5 above), removal of the child(ren) from the parent or Indian custodian is necessary to prevent imminent physical damage or harm to the child(ren).

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.

\_\_\_\_\_

If I.D.H.W. 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(ren) continues to be necessary.

- d. The Court asked about:

1. I.D.H.W.'s efforts to keep school-aged children in the same school,
2. I.D.H.W.'s efforts to place siblings together or ensure ongoing contact among siblings not placed together, and
3. Whether the child(ren) is being treated with psychotropic medication, the medications and dosages prescribed for the child(ren), and the medical professional who prescribed the medication.

**Temporary sole custody of parent with joint custody.**

- a. The safety and welfare of  the child  the children  this child(ren): \_\_\_\_\_ can be adequately safeguarded by placing the child(ren) in the sole custody of \_\_\_\_\_, a parent having joint custody of the child(ren).
- b. The  child  children  this child(ren): \_\_\_\_\_ is placed in the sole custody of \_\_\_\_\_ until the Adjudicatory Hearing.

**Protective Order.**

A reasonable effort to prevent placement of the child(ren) outside the home could be affected by a protective order safeguarding the child's(ren'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(ren) to be in the custody of I.D.H.W. until the Adjudicatory Hearing. The child(ren) will not stay in shelter care.

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

a. Efforts

- I.D.H.W. made reasonable efforts prior to placement of the child(ren) in shelter care to eliminate the need for shelter care but those efforts were unsuccessful.
- I.D.H.W. 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 I.D.H.W. 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 Decree by reference.
- \_\_\_\_\_

**12. Pretrial Conference and Adjudicatory Hearing.**

A Pretrial Conference will be held on: < NxtHrgDate > < NxtHrgDate > < NxtHrgDate >  
< NxtHrgDate > at < NxtHrgTime > < NxtHrgTime > < NxtHrgTime > < NxtHrgTime >.

An Adjudicatory Hearing will be held on < NxtHrgDate > at < NxtHrgTime >.

All parties, including I.D.H.W., will attend the Pretrial Conference and the Adjudicatory Hearing. I.D.H.W. and the G.A.L. 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:

\_\_\_\_\_

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge <\_CaseJudOfficer\_>

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

<\_AllAttorney\_>

<\_AttyEmailAddress\_>

<\_AllAttorney\_>

<\_CCListAllParAddrCase\_>

< CCListAllParAddrCase >

<\_CCListAllParAddrCase\_>

<\_CourtAdminName\_>

Clerk of the Court

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE <\_DISTRICTNAME\_> JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <\_COUNTYNAME\_>

In the Matter of:

<\_NameParam17\_>

a child(ren) under the age of eighteen  
(18) years.

<\_PartyConnType26\_>

Case No. <\_CaseNum\_>

Child Protective Act (C.P.A.)  
Summons and Order for Removal

Idaho Code § 16-1611 and  
Idaho Juvenile Rule 33, 34

YOU ARE HEREBY NOTIFIED THAT:

A petition has been filed in this case in the district court of <\_CountyName\_> County, Idaho, alleging that the child(ren) named above comes within the jurisdiction of the Child Protective Act (C.P.A.). A copy of the petition is attached.

You, as the parent, legal guardian, or custodian of the child(ren) are directed to appear personally before the Court for a Shelter Care Hearing at this time and location:

<\_CountyName\_> County Courthouse  
<\_FormTokenSigText\_>, <\_FormTokenSigText\_>

<u>Hearing</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
<_HearType_>	<_HearDate_>	<_HearS Time_>	<_HearingLocation_>

Service of the petition upon you, as the parent(s), guardian(s), or custodian(s) of the child, confers the personal jurisdiction of the court upon you and subjects you to the provisions of the C.P.A..

If you fail to appear without reasonable cause, the Court may proceed in your absence or may proceed against you for contempt of court. If the Court proceeds without your presence, you may forfeit all of your rights. You may be financially liable for the support of the child(ren).

You have the right to be represented by counsel. If you are unable to afford an attorney, you have the right to have an attorney appointed by the court at county expense.

- 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: <\_CourtPhoneNum\_>.
- 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: <\_CourtPhoneNum\_>.

When a child has been placed in the temporary and/or legal custody of the Idaho Department of Health and Welfare (I.D.H.W.) for 15 of the most recent 22 months, I.D.H.W. shall, prior to the last day of the 15<sup>th</sup> 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.

<\_CourtAdminName\_>  
Clerk of the Court

Dated: \_\_\_\_\_

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.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Deputy Marshal / Deputy Sheriff)

**ORDER FOR REMOVAL**

It is contrary to the welfare of the child(ren) to remain in the child's(ren's) present condition or surroundings, and it is in the best interest of the child(ren) to place the child(ren) in the legal custody of the Idaho Department of Health and Welfare (I.D.H.W.) until the Shelter Care Hearing. This finding is made based on the information set forth in the verified Petition under the Child Protective Act (C.P.A.), and the affidavit attached to and incorporated in the Petition, that have been filed in this case.

- The child(ren) is an Indian child, or there is reason to believe that the child(ren) is an Indian child, within the meaning of the Indian Child Welfare Act. Removal of the child(ren) is necessary to prevent imminent physical damage or harm to the child(ren). If I.D.H.W. 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(ren) continues to be necessary.

IT IS HEREBY ORDERED that a peace officer or other authorized person promptly take the following child(ren) to an authorized place of shelter care until the Shelter Care Hearing:

Name(s) of child(ren) to be removed: <\_NameParam\_>

Dated: \_\_\_\_\_

\_\_\_\_\_  
<\_CaseJudOfficer\_>  
Magistrate Judge