STATE OF INDIANA

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

In the Matter Of: Case No.

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

A Child In Need Of Services

**ORDER GRANTING MODIFICATION**

The Indiana Department of Child Services, (DCS) appears by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_, and by (Family Case Manager)(Intake Officer) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the child \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (appears in person) (is excluded for good cause shown upon the record). The parent(s) (guardian) (custodian), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, appear in person (and by counsel). The GAL/CASA, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, appears. The foster parent(s) or other caretaker \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (does) (does not) appear. Others: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 The Court after hearing evidence, statements of interested persons, and after considering reports filed with the Court, which are now admitted into evidence and made a part of the record, and being duly advised, finds:

1. A Dispositional Decree was entered on: \_\_\_\_\_\_\_\_

2. The following facts and circumstances have occurred since the dispositional decree was entered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

[ ] DCS has placed the child in

( )foster care) (kinship care) with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

( )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_institution) located in \_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_\_ (state).

[ ] The current programs/services being provided to the child include: \_\_\_\_\_\_\_\_\_

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

[ ] The DCS (Progress)(Permanency)(Modification) (supplemental Predispositional) Report recommends

( ) continuation of the existing placement

( ) continuation of existing programs/services

( ) change of placement to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

( ) change of programs/services to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. The Dispositional decree is modified as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

The Court finds this modification to be the least restrictive and most family like setting and it is in the child’s best interest.

***\***

Legal Settlement of the child is \_\_\_\_\_\_\_\_\_\_\_ and the DCS is directed to provide notice as required by law.

4. [ ] Parental Participation has been previously ordered by this Court for\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, parents (custodian or guardian) of the child. The Court, after a review of facts and circumstances presented and hearing evidence, finds the parents (guardian or custodian) shall participate in a change in treatment program or pay for services, consistent with the recommendation of DCS as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Set forth specifically what change in the parents’ obligations is ordered, including financial responsibility)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5. [ ] A separate Financial Obligation Order is being issued.

6. [ ] *Check only if the Court disagrees with the recommendation of the DCS.* The Court finds that the placement, program or service recommendations contained in the Modification Report is/are contrary to the welfare and best interests of the child and unreasonable. This Court Orders a change in the child’s current placement to \_\_\_\_\_\_\_\_\_\_\_\_ for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] The child’s placement in \_\_\_\_\_\_\_\_\_\_ is an emergency and is required and ordered immediately to protect the health and welfare of the child for child for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] *Check only if the child’s placement is modified and results in a separation from the child’s sibling.* The child’s placement results in separation from a sibling.Modification of the child’s placement is in the best interest of the child despite the child’s separation from the child’s sibling(s) for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

7. [ ] *(Use only if the placement ordered is not in the State of Indiana and not recommended by DCS)* The Court finds by clear and convincing evidence that out of state placement is appropriate because:

[ ]there is not a comparable facility with adequate services located in Indiana based on the following findings: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] the location of the home or facility is \_\_\_\_\_\_\_\_\_\_\_\_\_ and is within a distance not greater than fifty (50) miles from the county of the residence of the child which is \_\_\_\_\_\_\_\_\_\_\_\_\_.

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

***Title IVE and Statutory Findings:***

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

 **( ) of the allegations admitted**

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

 **( ) the child needs protection**

**( ) the child has special needs that require services for care and treatment that cannot be provided in the home**

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

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

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

**-or-**

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

**-or-**

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

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

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

*The Court finds by clear and convincing evidence that the above out of state placement in a facility or home is appropriate because:*

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

*or*

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

 *( ) Institutional care in this facility is in the best interest of the child and will not produce undue hardship, because\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;*

*or*

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

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

A copy of this order is to be distributed to DCS.

This case is set for **review** hearing on the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. And the parties are ordered to return to Court at said date and time without further notice.

This case is set for **permanency** hearing on the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. And the parties are ordered to return to Court at said date and time without further notice.

 **SO ORDERED** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

 Judge

Distribution: