STATE OF INDIANA

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

In the Matter Of: Case No.

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

A Child In Need Of Services

**ORDER FOR HEARING ON MOTION TO MODIFY**

(Including Temporary Emergency Order)

 A motion to modify Dispositional Decree has been filed.

The Court now sets the Motion for hearing on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_\_\_\_\_ o’clock \_\_\_.M.

1. [ ] A request for an emergency change in the child’s placement having been made, the Court (having heard and considered the sworn testimony) (having considered an affidavit showing that an emergency exists), now finds that the following grounds for a change in placement exists:

 [ ] the child is unlikely to appear before the juvenile court for subsequent proceedings:

 [ ] detention is essential to protect the child or the community;

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

 [ ] the child has a reasonable basis for requesting that he/she not be released.

 [ ] none; the request for emergency change in placement is denied.

 [ ] Other

1. [ ] An emergency exists and the services ordered are necessary to protect the health and welfare of the child for the following reasons:

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

1. [ ] The current placement of the child is in:

( ) foster care

( ) kinship care with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_institution located in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

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

The Modification Report recommends

( ) continuation of the existing placement

( ) continuation of existing programs/services

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

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

1. [ ] *(If the court does not accept placement recommendations presented)* The Court proposes to change the child’s current placement to \_\_\_\_\_\_\_\_\_\_\_\_ for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. [ ] (*If the court does not accept program or service recommended)* The Court proposes to change the child’s programs/services for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DCS shall review the Court’s proposed placement, program or service for the child as stated above and submit a supplemental Modification Report to the court stating whether DCS approves or disapproves the proposed placement, program or service as stated herein, and if DCS disapproves the proposed placement, program or service, the reasons for disapproval.

1. [ ] *(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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. [ ] (*Use only if* *the child is removed by this order*) It is in the best interest of the child to be removed from the home environment and continuation of residence in the home of the parent/guardian would be contrary to the health and welfare of the child because *[the Court must make specific findings here] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.* Reason­able efforts (were) (were not) made to (prevent the child's removal from) (to reunite the child) with the child's parent, guardian, or custodian. Family services offered or provided: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

A separate Financial Obligation Order is being issued.

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

DCS is given responsibility for placement and care of the child.

**SO ORDERED** this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

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

 Judge