

**GOOD CAUSE ORDER
(ICWA)**

STATE OF SOUTH DAKOTA:
SS:

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF SOUTH
DAKOTA IN THE INTEREST OF,

File No: _____

(DOB: _____)
Child(ren), and concerning

DEPT. of SOCIAL SERVICES
Custodian,

**GOOD CAUSE ORDER
(ICWA)**

Intervenor.

The above-entitled matter having come before the Court for a Good Cause Hearing on the (DAY) day of (MONTH), (YEAR); the Honorable (ENTER NAME), presiding; the State of South Dakota represented by (DEPUTY STATE'S ATTORNEY / STATE'S ATTORNEY), (ENTER NAME); the South Dakota Department of Social Services appearing through Children's Specialist (ENTER NAME); the minor child(ren) (APPEARING / NOT APPEARING) in person (AND / BUT) represented by counsel, (ENTER NAME); the Tribe (APPEARING THROUGH ICWA REPRESENTATIVE / NOT APPEARING THROUGH ICWA REPRESENTATIVE) (AND / BUT) ((REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / NOT APPEARING / THROUGH A REPRESENTATIVE); the Court, having reviewed the records and files herein and being fully informed in the premises, and having made and entered its Findings of Fact and Conclusions of Law for Good Cause regarding the placement of the minor children outside the ICWA Placement Preferences does now hereby:

ORDER, that the minor children shall remain in the adoptive custody of the Department of Social Services with continued placement in foster care, this being the least restrictive alternative in the best interests of the children; and it is further

ORDERED, that the Indian Child Welfare Act applies to this case; and it is further

ORDERED, that the Department of Social Services has made reasonable and active efforts and has conducted a diligent search to place the minor children, with an individual or family within the order of preference set forth in 25 U.S.C. § 1915, such efforts have been unsuccessful and good cause exists for placement outside the order of preference set forth in 25 U.S.C. § 1915; and it is further

ORDERED, that a placement of the minor children within the order of preference of the Indian Child Welfare Act is not available and that good cause exists for placement of the children with a family outside of the order of preference; and it is further

ORDERED, that active efforts are no longer necessary for continued search of a family that fits within the placement preference guidelines of the Indian Child Welfare Act as a continued search would be fruitless; and it is further

ORDERED, that the least restrictive alternative in the best interests of this children requires that, if a placement cannot be located within the order of preference, attempts should be made to locate a placement with an individual or family outside the order of preference so as to provide permanency for the children; and it is further

ORDERED, that there was a previous finding of this Court that active efforts had been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts were proven unsuccessful; and it is further

ORDERED, that the appropriate long-term plan for the children is placement in a home with a family suitable for adoption, and that the Department of Social Services will work toward achievement of the permanent plan of adoption.

ORDERED, that the Department of Social Services has made reasonable and active efforts and has conducted a diligent search to place the minor children, with an individual or family within the order of preference set forth in 25 U.S.C. § 1915, such efforts have been unsuccessful and good cause exists for placement outside the order of preference set forth in 25 U.S.C. § 1915; and it is further

ORDERED, that a placement of the minor children within the order of preference of the Indian Child Welfare Act is not available and that good cause exists for placement of the children with a family outside of the order of preference; and it is further

ORDERED, that active efforts are no longer necessary for continued search of a family that fits within the placement preference guidelines of the Indian Child Welfare Act as a continued search would be fruitless; and it is further

ORDERED, that the least restrictive alternative in the best interests of this children requires that, if a placement cannot be located within the order of preference, attempts should be made to locate a placement with an individual or family outside the order of preference so as to provide permanency for the children; and it is further

ORDERED, that there was a previous finding of this Court that active efforts had been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and these efforts were proven unsuccessful; and it is further

ORDERED, that the appropriate long-term plan for the children is placement in a home with a family suitable for adoption, and that the Department of Social Services will work toward achievement of the permanent plan of adoption.

Dated this (DAY) day of (MONTH), (YEAR), effective, however, the (DAY) day of (MONTH, YEAR), being the date of the hearing affording judicial basis for this order.

BY THE COURT:

ATTEST:

Clerk of Court

BY: _____

Deputy (ENTER NAME)

(SEAL)

The Honorable (ENTER NAME)

Judge of the Circuit Court