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| STATE OF SOUTH DAKOTA:  SS:  COUNTY OF Click or tap here to enter text. | IN CIRCUIT COURT  Choose an item. JUDICIAL CIRCUIT |
| THE PEOPLE OF THE STATE OF SOUTH DAKOTA IN THE INTEREST OF,  Click or tap here to enter text.**(**Click or tap to enter a date.**)**  Click or tap here to enter text. **(**Click or tap to enter a date.**)**  Child(ren), and concerning  Click or tap here to enter text.(Click or tap to enter a date.)  Click or tap here to enter text.**(**Click or tap to enter a date.)  Respondent(s),  Click or tap here to enter text.(Click or tap to enter a date.)  Indian Custodian,  Click or tap here to enter text.  Intervenor | Court File No: Click or tap here to enter text.  **STATE’S PROPOSED**  **ADJUDICATORY FINDINGS OF FACT AND CONCLUSIONS OF LAW**  **(ICWA)** |

The above-entitled matter having come on for an Adjudicatory Hearing on the Click or tap here to enter text. day of Click or tap here to enter text.; the Honorable Click or tap here to enter text., presiding; the State of South Dakota represented by Choose an item., Click or tap here to enter text.; the South Dakota Department of Social Services appearing through Family Services Specialist, Click or tap here to enter text.; the Respondent mother, Choose an item. Choose an item. Choose an item., Click or tap here to enter text.; the Respondent father, Choose an item. Choose an item. Choose an item., Click or tap here to enter text.; the Indian Custodian, Choose an item. Choose an item. Choose an item.,Click or tap here to enter text.; the minor children Choose an item.in person Choose an item. represented by counsel, Click or tap here to enter text.; the Tribe Choose an item. by counsel, Choose an item. Choose an item.through ICWA Representative; CASA Choose an item.through its designated agent; the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby make and enter its Adjudicatory Findings of Fact and Conclusions of Law by clear and convincing evidence as follows:

FINDINGS OF FACT

1.

Proper notice has been given, and the parties have been provided an opportunity to participate.

2.

The Court has jurisdiction over these proceedings, and this is the proper venue.

3.

Click or tap here to enter text. (DOB: Click or tap to enter a date.) and Click or tap here to enter text.(DOB: Click or tap to enter a date.) are minor children who are in the legal and physical custody of the Department of Social Services and who were residents of Click or tap here to enter text. County at the commencement of these proceedings.

4.

The Respondent MOTHER is the biological mother of the minor children. She Choose an item.proceedings and Choose an item.. MOTHER Choose an item. Choose an item. Choose an item. by counsel, Click or tap here to enter text..

5.

The Respondent FATHER is the biological father of the minor children. He Choose an item., but Choose an item.fully apprised of his rights and obligations, including the possibility of termination of his parental rights. FATHER Choose an item. at these proceedings Choose an item. was Choose an item. by counsel, Click or tap here to enter text..

6.

The Respondent Indian CUSTODIAN is the children’s Indian Custodian as defined by the Indian Child Welfare Act. Choose an item. Choose an item. of these proceedings, Choose an item. has been fully apprised of her rights and obligations, including the possibility of termination of her custodial rights. CUSTODIAN Choose an item. at these proceedings Choose an item. was Choose an item. by counsel, Click or tap here to enter text..

7.

The Respondent mother, after an advisement of her rights including the possibility of termination of her parental rights admitted to the portion **(Enter the facts about the case here).**

8.

The Respondent mother’s admissions were knowingly and intelligently entered and during these proceedings she has been represented by competent counsel.

9.

The Respondent mother understands the nature of her admissions and the consequences thereof. The reports provide a further factual basis from which to rely that the minor children are adjudicated to be abused or neglected children as defined by SDCL 26-8A-2 due to the actions and/or omissions of the Respondent mother.

10.

The Indian Custodian after an advisement of her rights including the possibility of termination of her custodial rights Click or tap here to enter text. admit to the allegations contained within the Amended Petition for Abuse or Neglect but was unable to provide a factual basis for the Court to determine that the children should be adjudicated to be abused or neglected and therefore the matter went to full hearing.

11.

The State has met its burden by clear and convincing evidence to establish the facts set forth in the Amended Petition for Abuse or Neglect that the minor children are adjudicated to be abused or neglected children as defined by South Dakota law as a result of the actions and/or omissions of the Indian Custodian.

12.

FACTS AS ESTABLISHED BY THE COURT. The Court adjudicates the minor children to be abused or neglected as defined by SDCL 26-8A-2 in that their environment was injurious to their welfare.

Choose an item.

The Respondent Choose an item. was properly noticed of these proceedings and failed to appear and is in default of these proceedings pursuant to the provisions of SDCL § 26-7A-53 and therefore, the Abuse or Neglect Petition in this matter is hereby taken as admitted to in its entirety by the Respondent Choose an item.

14.

The minor children are adjudicated to be abused or neglected children as defined by SDCL 26-8A-2 due to the actions and/or omissions of the father.

15.

The minor children are an Indian Children as defined by the Indian Child Welfare Act therefore the Indian Child Welfare Act applies to these proceedings.

16.

The minor children are eligible for enrollment or membership in the Tribe.

17.

The Department of the Interior, the Bureau of Indian Affairs, and the Click or tap here to enter text. Tribe and the Click or tap here to enter text.Tribe have been notified of these proceedings in accordance with the Indian Child Welfare Act. The Click or tap here to enter text. Tribe Choose an item. in these proceedings.

18.

The Department of Social Services has made reasonable and active efforts to reunite the minor children with the Respondent parents and Indian Custodian.

19.

The Department of Social Services has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

20.

Continued custody of the children by the Respondent parents or Indian Custodian would likely result in serious emotional or physical damage to the minor children at this time.

21.

The least restrictive alternative available commensurate with the best interest of the minor children is for physical and legal custody of the minor children to remain with the Department of Social Services during the pendency of these proceedings, it being contrary to the welfare of the minor children to return legal or physical custody to the Respondent parents or Indian Custodian at this time.

Based upon the foregoing Findings of Fact, the Court now makes and enters the following Conclusions of Law

CONCLUSIONS OF LAW

1.

Any Conclusion of Law deemed to be a Finding of Fact or vice versa shall be appropriately incorporated into the Findings of Fact or Conclusions of Law.

2.

This Court has jurisdiction over the parties and subject matter of this action.

3.

The allegations contained in the Petition for Abuse or Neglect are supported by clear and convincing evidence that the minor children are abused or neglected children as defined by SDCL 26-8A-2 due to the actions and/or omissions of the Respondent mother, the Respondent father, and the Indian Custodian.

Dated this Click or tap here to enter text. day of Click or tap here to enter text., effective however the Click or tap here to enter text. day of Click or tap here to enter text., 20Click or tap here to enter text., being the date of the hearing affording judicial basis for this order.

BY THE COURT:

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

The Honorable Click or tap here to enter text.

Judge of the Circuit Court

ATTEST:

Clerk of Court

By:\_\_\_\_\_\_\_\_\_\_

Deputy

(SEAL)