

**48 HOUR HEARING ORDER
ABUSE OR NEGLECT**

STATE OF SOUTH DAKOTA:
SS:

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

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

(DOB: _____)

(DOB: _____)

Child(ren), and concerning

(DOB: _____)

(DOB: _____)

Respondent(s),

Court File No: _____

**48 HOUR HEARING ORDER
ABUSE OR NEGLECT**

The above-entitled matter having come before the Court for a 48 Hour Hearing on the (DAY) day of (MONTH), (YEAR), the Honorable (FIRST AND LAST NAME) presiding; the State of South Dakota represented by Deputy State's Attorney, (FIRST AND LAST NAME); the South Dakota Department of Social Services (APPEARING / NOT APPEARING) through Family Services Specialist; the minor's Respondent father (APPEARING / NOT APPEARING) in person but (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL); the Respondent mother (APPEARING / NOT APPEARING) in person and (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL); the minor children (APPEARING / NOT APPEARING) in person but represented by counsel; CASA (APPEARING / NOT APPEARING); the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby:

ORDER, that the Indian Child Welfare Act does not apply to this case; and it is further

ORDERED, that the minor children shall remain in the Department of Social Services' legal and physical custody through the pendency of the proceedings; and it is further

ORDERED, that the Department of Social Services has made reasonable efforts to prevent the removal of the children from the home but removal of the children from the home was necessary as continued placement in the home was contrary to the welfare of the minor children; and it is further

ORDERED, that returning legal and physical custody of the children to the Respondent parents would be injurious to the welfare of the minor children at this time; and it is further

ORDERED, that the least restrictive alternative available in the children's best interest is continued placement in the legal and physical custody of the Department of Social Services; and it is further

ORDERED, that the Department of Social Services shall begin supervised visitation at their discretion provided that if any Protective Order is in place it can be modified to allow for contact visitation; and it is further

ORDERED, that an Advisory Hearing shall be scheduled for (DATE) at (TIME).

ALLEGED ABUSED OR NEGLECTED CHILDREN SHALL NOT BE DETAINED OR JAILED.

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

BY THE COURT:

ATTEST:

Clerk of Court

BY: _____

Deputy (FIRST AND LAST NAME)

(SEAL)

The Honorable (FIRST AND LAST NAME)
Judge of the Circuit Court