

**PRE-DISPOSITIONAL  
PERMANENCY HEARING  
ORDER  
(NON 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,

\_\_\_\_\_  
(DOB: \_\_\_\_\_)  
Child(ren), and concerning

\_\_\_\_\_  
(DOB: \_\_\_\_\_)

\_\_\_\_\_  
(DOB: \_\_\_\_\_)  
Respondent(s),

File No: \_\_\_\_\_

**PRE-DISPOSITIONAL  
PERMANENCY HEARING  
ORDER**

**(NON ICWA)**

The above-entitled matter having come before the Court for a Permanency 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 Family Services Specialist, (ENTER NAME); (ENTER NAME), the Respondent (MOTHER / FATHER), (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); (ENTER NAME), the Respondent (MOTHER / FATHER), (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); the minor children (APPEARING / NOT APPEARING) in person (AND / BUT) represented by counsel, (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / NOT

APPEARING); the Court, having reviewed the records and files herein and being fully informed in the premises; the Court does now hereby:

ORDER; that the minor child 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 achieve the permanent plan of reunification of the child with the Respondent parents and these efforts have been unsuccessful, and it would be contrary to the child's welfare to be returned home; and it is further

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

(**CHOOSE ONE:** ORDERED, that the Department of Social Services shall adopt the following plan: / The court finds a compelling reason to not return the child/children home or to move for termination of parental rights or guardian based on the following circumstances: (ENTER DETAILS).)  
(**CHOOSE ONE:** the child/children shall be reunified with the [birth father/birth mother/birth parents] and a plan for that reunification shall be followed. / the child/children shall be placed for adoption; the state is hereby ordered to notify the parties of the intent to seek the termination of parental rights, if the notice has not been previously provided. / the child/children shall be referred for legal guardianship with the following individual: (ENTER DETAILS). / the child/children shall be placed permanently with a fit and living relative: (ENTER DETAILS). / this court having found a compelling reason that no other option be adopted, The child (Child over 16 years old) shall be placed in a planned permanent living arrangement as follows: (ENTER DETAILS).

ORDERED, that the Department of Social Services is authorized to move forward with an In-Home Safety Plan providing that it is safe to do so; and it is further

ORDERED, that all parties are to be notified of the intent to return the child to the home on an In-Home Safety Plan and if any party requests a hearing a hearing shall be set on the calendar as soon as possible; and it is further

ORDERED, that if the child is returned to the Respondent parents with an In-Home Safety Plan in place prior to the next hearing and the In-Home Safety Plan is not successful, the Department has the authority to return the child to the physical custody of the Department and immediately notify all parties.

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 (ENTER NAME)  
(SEAL)

\_\_\_\_\_  
The Honorable (ENTER NAME)  
Judge of the Circuit Court