

**STATE'S PROPOSED
ADJUDICATORY ORDER
(ICWA)**

STATE OF SOUTH DAKOTA:

IN CIRCUIT COURT

SS:

COUNTY OF _____

_____ JUDICIAL CIRCUIT

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

Court File No: _____

(DOB: _____)

(DOB: _____)

Child(ren), and concerning

(DOB: _____)

(DOB: _____)

Respondent(s),

(DOB: _____)

Indian Custodian,

Intervenor

**STATE'S PROPOSED
ADJUDICATORY ORDER**

(ICWA)

The above-entitled matter having come before the Court for an Adjudicatory Hearing on the (DAY) day of (MONTH), (YEAR), the Honorable (ENTER NAME); the State of South Dakota represented by (DEPUTY STATE'S / 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 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); the Court, having reviewed the records and files herein and being fully informed in the premises, and having made and entered its Adjudicatory Findings of Fact and Conclusions of Law by clear and convincing evidence does now hereby:

ORDER, the minor children are adjudicated to be abused or neglected children as defined by SDCL §26-8A-2 through the actions and/or omissions of the Respondent mother; and it is further

ORDERED, that the minor children are adjudicated to be abused or neglected children as defined by SDCL §26-8A-2(5) through no fault of the Respondent father; 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 and active efforts to achieve the permanent plan of reunification of the children with their parents, and these efforts have been unsuccessful, and it would be contrary to the children's welfare to be returned home; and it is further

ORDERED, that returning custody of the children to the parents would likely result in serious emotional and/or physical damage to the minor children; and it is further

ORDERED, that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proven unsuccessful; and it is further

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

ORDERED, that there is good cause to place outside the ICWA placement preference.

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 (NAME)
(SEAL)

The Honorable (NAME)
Judge of the Circuit Court