

**STATE'S PROPOSED
FINAL DISPOSITIONAL 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,

(DOB: _____)

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

(DOB: _____)

(DOB: _____)

(DOB: _____)

Respondent(s),

Intervenor

File No: _____

**STATE'S PROPOSED
FINAL DISPOSITIONAL ORDER
(ICWA)**

The above-entitled matter having come before the Court for a Final Dispositional Hearing on the (DAY) day of (MONTH), (YEAR); the Honorable (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, (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); (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 minor children (APPEARING / NOT APPEARING) in person (AND / BUT) represented by counsel, (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / NOT APPEARING); the Tribe (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); 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 Final Disposition, does now hereby:

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

ORDERED, that the Respondent mother, (ENTER NAME), parental rights (SHALL BE / SHALL NOT BE) terminated as to the minor children; and it is further

ORDERED, that the Respondent father, (ENTER NAME) parental rights (SHALL BE / SHALL NOT BE) terminated as to the minor child, (ENTER NAME); and it is further

ORDERED, that the Respondent father, (ENTER NAME) parental rights (SHALL BE / SHALL NOT BE) terminated as to the minor children, (ENTER NAME); and it is further

ORDERED, that the custody and guardianship of the minor children shall be vested with the Department of Social Services for purpose of placing the minor children for adoption; and it is further

ORDERED, that the least restrictive alternative available in the children's best interest is for the parental rights of the Respondent parents to be terminated and for the children to be placed in the adoptive custody of the Department of Social Services; 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 the Respondent parents and these efforts have been unsuccessful and it would be contrary to the children's welfare to be returned home and those efforts include but are not limited to the following: (EXAMPLE)

- Initial Family Assessment
 - Assignment of IFA Specialist Beard
 - Initial Family Assessment completed
 - Safety Plan Determination Worksheet and Conditions for Return
 - Present Danger Plan considered
 - Interviews with family members
 - Collateral contacts
 - Supervised visitation
 - Visitation at United Families Visitation Center
 - Referral to Family Group Conference
 - Requested Random UAs
 - Transportation
 - Contact with the Tribe
 - Relative Search
- Child Services
 - Kinship Care Services
 - Child Case Plan Assessment and Evaluations
 - Transportation
 - Medicaid for mental health/medical/vision and dental services
 - Contact with Placement for children's needs and updates
 - Safety checks
 - 24 hour checks
 - Weekly checks
 - Monthly home visits
 - Regular contact through email/phone and in person
- Ongoing Services
 - Assignment of Specialist (ENTER TEXT)
 - Protective Capacity Assessments and Evaluations
 - Safety Plan Determination Worksheet and Conditions for Return
 - Contact with the parents
 - Contact with Kinship Provider
 - Contact with the Resource Provider
 - Contact with the United Families Visitation Center
 - Transportation
 - Supervised Visitation
 - UAs
- Kinship Locator Services
 - Assignment of Resource Specialist
 - Ongoing relative search for placement and connections
 - Home Study request and PRIDE referral
- Family Group Coordinator Services
 - Assignment of Family Group Coordinator Placement Team Meeting
 - Concurrent Planning Meeting
 - Ongoing meetings available for placement stability
- Services provided to the Respondent mother and the Respondent father, from (ENTER TEXT) until (ENTER TEXT) when case closed with reunification.

and it is further

ORDERED, that continued custody of the children by the Respondent 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 Department of Social Services will work towards the permanent plan of adoption for the minor children; and it is further

ORDERED, that there is good cause to place the minor children outside the ICWA Placement Preferences; and it is further

ORDERED, that termination of parental rights is final and unconditional; and it is further

ORDERED, that the Respondent parents have the right to appeal this Court's Final Order pursuant to South Dakota Law.

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