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:      )

)

Child(ren), and concerning ) **ADVISORY HEARING ORDER**

)

**(mother)** ) ( **ICWA)**

**(father)** )

Respondent(s), )

**(TRIBE)** )

Intervener )

The above-entitled matter having come before the Court for an Advisory Hearing on the       day of      , 20     , the Honorable      , presiding; the State of South Dakota being represented by Deputy State’s Attorney,      ; the South Dakota Department of Social Services appearing through Family Services Specialist      ;      , the Respondent mother, appearing in person and represented by counsel,      ;      , the Respondent father, appearing in person and represented by counsel,      ;      , the minor child not appearing in person but represented by counsel,      ; CASA appearing through its designated agent; the Tribe represented by counsel/ appearing through Representative,      ; the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby:

ORDER, that the minor child shall remain in the Department of Social Services’ legal and physical custody; 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 her 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 returning custody of the child to the parents would likely result in serious emotional and/or physical damage to the minor child at this time; 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 that these efforts have proven unsuccessful; 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

ORDERED, that there is good cause to place the child outside the ICWA Placement preferences.

Dated this       day of       effective however, the       day of      , 20     , that being the date of the hearing affording judicial basis for this order.

BY THE COURT:

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

ATTEST: The Honorable

Judge of the Circuit Court

Clerk of Courts

BY

Deputy

(SEAL)