

**STATE'S PROPOSED FINAL DISPOSITIONAL ORDER
(GUARDIANSHIP 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,

(DOB: _____)

Child(ren), and concerning

DEPT. of SOCIAL SERVICES

Custodian,

Intervenor.

File No: _____

**STATE'S PROPOSED
FINAL DISPOSITIONAL ORDER**

(GUARDIANSHIP - ICWA)

The above-entitled matter having come on for a Final Dispositional 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); the minor child(ren) (APPEARING / NOT APPEARING) in person (AND / BUT) represented by counsel, (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / NOT APPEARING); the Tribe (APPEARING THROUGH ICWA REPRESENTATIVE / NOT APPEARING THROUGH ICWA REPRESENTATIVE) (AND / BUT) (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL); 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 parental rights of the Respondent parents shall not be terminated; and it is further

ORDERED, that there are compelling reasons (TO . TO NOT) terminate the parental rights of the Respondent parents in this case; and it is further

ORDERED that the minor child is hereby placed in the permanent guardianship with (ENTER NAME); as it is not and will not be safe to return the child to the Respondent parents; and it is further

ORDERED, (THAT / THAT NOT) terminating the parental rights of the Respondent parents and placement of the minor child in the permanent guardianship with (ENTER NAME), is the least restrictive alternative commensurate with the best interests of the minor child; and it is further

ORDERED, that (ENTER NAME) is responsible for the personal affairs of the minor child; and it is further

ORDERED, that (ENTER NAME) is responsible for making decisions regarding the minor child's support, care, health, education; and it is further

ORDERED, that (ENTER NAME) shall at all times act in the minor child's best interest, shall exercise reasonable care, diligence, and prudence; and it is further

ORDERED, that the Department of Social Services has made reasonable and active efforts to reunite the minor child with the Respondent parents; and it is further

ORDERED, that the Department of Social Services has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and those efforts have proven unsuccessful; and it is further

ORDERED, that serious emotional or physical damage would likely result if the minor child was placed in the custody of the Respondent parents; and it is further

ORDERED, that the Respondent mother and the Respondent father (ARE / ARE NOT) relieved from their duty to provide support for the minor child; and it is further

ORDERED, that (ENTER NAME) is to have full guardianship and rights thereto with the responsibilities of said guardianship under South Dakota law; and it is further

ORDERED, that this guardianship shall remain in effect until the minor child reaches the age of majority or until further Order of this Court; and it is further

ORDERED, that if any party wishes to relinquish or alter the guardianship a hearing shall be set before this Court in Guardianship File (ENTER TEXT); and it is further

ORDERED, that the Department of Social Services shall be notified of any proceeding where a change of guardianship status is requested; and it is further

ORDERED, that the Department of Social Services is hereby relieved of its duty to provide active and reasonable efforts and that the case may be closed and their involvement with this family hereby ended; and it is further

ORDERED, that a copy of these Final Dispositional Findings of Fact and Conclusions of Law and Order shall be filed in (ENTER TEXT); and it is further

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

Dated this (DAY) day of (MONTH), (YEAR) but is effective 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