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 (DOB)**)  **STATE’S PROPOSED**

Child(ren), and concerning ) **ADJUDICATORY FINDINGS OF FACT**

) **AND CONCLUSIONS OF LAW**

**MOTHER (DOB)**) **(NON ICWA)**

**FATHER (DOB)**)

**JOHN DOE** **)**

Respondent(s), )

The above-entitled matter having come on for an Adjudicatory Hearing on the       day of      , 20     ; the Honorable      , presiding; the State of South Dakota being represented by its 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 Respondent father,      , not appearing in person;      , the minor child not appearing in person but represented by counsel,      ; CASA appearing through its designated agent; the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby make and enter its Findings of Fact and Conclusions of Law for Adjudication by clear and convincing evidence, as follows:

FINDINGS OF FACT

1.

Proper notice has been given and that the parties have been given opportunity to participate.

2.

This Court has jurisdiction and this is the proper venue.

3.

     is a minor child who is in the legal and physical custody of the Department of Social Services and who was a resident of       County at the commencement of these proceedings.

4.

      is the biological mother of the minor child. She has received notice of these proceedings, and has been apprised of her rights and obligations in these proceedings, including the possibility of termination of her parental rights.       appeared in person and was represented by counsel.

5.

      is the alleged biological father of the minor child. He has received notice of these proceedings and has been apprised of his rights and obligations in these proceedings, including the possibility of termination of parental rights.       appeared in person and was represented by counsel.

6.

      is the biological father of the minor child. He has received notice of these proceedings through publication, and has been apprised of his rights and obligations in these proceedings, including the possibility of termination of his parental rights.       failed to appear at these proceedings.

7.

The Respondent father,      , is in default of these proceedings pursuant to the provisions of SDCL§ 26-7A-53 and therefore, the Petition for Abuse or Neglect filed in this matter is hereby taken as admitted to by the Respondent father,      . The minor child is adjudicated to be an abused or neglected child through the actions and/or omissions of the Respondent father.

8.

The minor child is not an Indian Child as defined by the Indian Child Welfare Act therefore the Indian Child Welfare Act does not apply to these proceedings.

9.

The Department of Social Services has made reasonable efforts to reunite the minor child with the Respondent parents and these efforts are on-going.

10.

The least restrictive alternative available commensurate with the best interest of the minor child is for physical and legal custody of the minor child to remain with the Department of Social Services during the pendency of these proceedings, it being contrary to the welfare of the minor child to return legal or physical custody to the Respondent parents at this time.

Based upon the foregoing Findings of Fact, the Court now makes and enters the following Conclusions of Law;

CONCLUSIONS OF LAW

1.

Any Conclusion of Law deemed to be a Finding of Fact or vice versa shall be appropriately incorporated into the Findings of Fact or Conclusions of Law.

2.

This Court has jurisdiction over the parties and subject matter of this action.

3.

The allegations contained in the Petition for Abuse or Neglect are supported by clear and convincing evidence that the minor child is abused or neglected within the meaning of SDCL § 26-8A-2 due to the actions and/or omissions of the Respondent father,      .

Dated this       day of      , effective however, the      day of      , 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 Court

BY:

Deputy

(SEAL)