

**REVIEW HEARING 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: \_\_\_\_\_)

Child(ren), and concerning

\_\_\_\_\_  
(Respondent and Indian Custodian)

\_\_\_\_\_  
Respondent(s),

\_\_\_\_\_  
Intervenor

File No: \_\_\_\_\_

**REVIEW HEARING  
ORDER**

**(ICWA)**

The above-entitled matter having come before the Court for a Review Hearing on the (DAY) day of (MONTH), (YEAR), the Honorable (ENTER NAME), presiding; the State of South Dakota represented by Deputy State's Attorney, (ENTER NAME); the South Dakota Department of Social Services appearing through Family Services Specialist (ENTER NAME); (ENTER NAME), the Respondent mother (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED / NOT REPRESENTED) by counsel, (ENTER NAME); (ENTER NAME), the Respondent father, (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED / NOT REPRESENTED) by counsel, (ENTER NAME); the Respondent Indian Custodian, (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED / NOT REPRESENTED) by counsel, (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 / NOT REPRESENTED) by counsel,

(ENTER NAME); the Court, having reviewed the records and files herein and being fully informed in the premises and having heard the testimony presented, does now hereby:

ORDER, that the minor child(ren) 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 active efforts to achieve the permanent plan of reunification of the child(ren) with their parents and Indian Custodian 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 legal and physical custody of the child(ren) to the parents or Indian Custodian would likely result in serious emotional and/or physical damage to the minor children 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 these efforts have proven unsuccessful; and it is further

ORDERED, that the least restrictive alternative available in the minor child(ren)'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 outside the ICWA Placement Preferences.

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:

\_\_\_\_\_  
The Honorable (ENTER NAME)  
Judge of the Circuit Court

Clerk of Court

BY: \_\_\_\_\_

Deputy (ENTER NAME)

(SEAL)