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** )

Child(ren), and concerning )

) **PERMANENCY HEARING** ) **ORDER**

**Mother** ) **(ICWA)**

**Father** )

Respondent(s). )

**TRIBE**  )

Intervener )

The above-entitled matter having come before the Court for an Permanency Hearing on the       day of      , 20     ; the Honorable       presiding; the State of South Dakota 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 children not appearing in person but represented by counsel,      ; CASA appearing through representative; the Tribe represented by counsel,      , the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby

ORDERED, that the minor child 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 with her parents and these efforts have been unsuccessful and it would be contrary to the children’s welfare to be returned home; and it is further

ORDERED that the least restrictive alternative available in the minor child’s best interest is continued legal and physical custody with the Department of Social Services.

ORDERED, that returning custody of the child to the parents would likely result in serious emotional and/or physical damage to the minor child; 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.

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)