

**PRE-DISPOSITIONAL
PERMANENCY 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

(DOB: _____)

(DOB: _____)
Respondent(s),

Intervenor

File No: _____

**PRE-DISPOSITIONAL
PERMANENCY HEARING
ORDER**

(ICWA)

The above-entitled matter having come before the Court for an Permanency 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); (ENTER NAME), the Respondent (MOTHER / FATHER), (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); (ENTER NAME), the Respondent (MOTHER / FATHER), (APPEARING / NOT APPEARING) in person (AND / BUT) (REPRESENTED BY COUNSEL / 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 BY COUNSEL / NOT REPRESENTED BY COUNSEL), (ENTER NAME); 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

(**CHOOSE ONE:** ORDERED, that the Department of Social Services shall adopt the following plan: / The court finds a compelling reason to not return the child/children home or to move for termination of parental rights or guardian based on the following circumstances: (ENTER DETAILS).) (**CHOOSE ONE:** the child/children shall be reunified with the [birth father/birth mother/birth parents] and a plan for that reunification shall be followed. / the child/children shall be placed for adoption; the state is hereby ordered to notify the parties of the intent to seek the termination of parental rights, if the notice has not been previously provided. / the child/children shall be referred for legal guardianship with the following individual: (ENTER DETAILS). / the child/children shall be placed permanently with a fit and living relative: (ENTER DETAILS). / this court having found a compelling reason that no other option be adopted, The child (Child over 16 years old) shall be placed in a planned permanent living arrangement as follows: (ENTER DETAILS).

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) 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)