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 1 (DOB)** ) **ADVISORY HEARING**

**CHILD 2 (DOB)** ) **ORDER**

**CHILD 3 (DOB) )**

Child(ren), and concerning )  **(NON-ICWA)**

)

**MOTHER (DOB)** )

**FATHER 1 (DOB) )**

**FATHER 2 (DOB) )**

**JOHN DOE )**

Respondent(s). )

The above-entitled matter having come before the Court for an Advisory 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/not appearing in person and represented by counsel      ;      , the Respondent father, appearing via telephone/in person/not appearing and represented by counsel,      ;      , the Respondent father 2 not appearing in person but represented by counsel,      ; the Respondent father John Doe not appearing;      , the minor children 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:

ORDER, that the Indian Child Welfare Act does not apply to this case; and it is further

ORDERED, that John Doe is hereby dismissed from these proceedings as paternity has been established; and it is further

ORDERED, that the minor children 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 reasonable efforts to achieve the permanent plan of reunification of the children with the Respondent parents and those efforts have been unsuccessful and it would be contrary to the children’s welfare to be returned at this time; and it is further

ORDERED, that the least restrictive alternative available commensurate with the best interest of the children is continued custody with the Department of Social Services as return of custody of the minor child to the Respondent parents would be injurious to the minor children’s welfare.

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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Honorable

ATTEST: Judge of the Circuit Court

Clerk of Court

BY:

Deputy

(SEAL)