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 ) **FINAL DISPOSITIONAL ORDER**

) ) **(GUARDIANSHIP - ICWA)**

**DEPT. OF SOCIAL SERVICES** )

Custodian )

**TRIBE**  )

Intervener )

The above-entitled matter having come on for a Final Dispositional 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 minor child APPEARING/not appearing in person but represented by counsel,      ; CASA appearing through assigned volunteer; the Tribe appearing represented by counsel; the Court, having reviewed the records and files herein and being fully informed in the premises, and having made and entered its Findings of Fact and Conclusions of Law for Final Disposition, does now hereby:

ORDER, that the parental rights of the Respondent parents shall not be terminated; and it is further

ORDERED, that there are compelling reasons to not terminate the parental rights of the Respondent parents in this case; and it is further

ORDERED that the minor child is hereby placed in the permanent guardianship with      ; as it is not and will not be safe to return the child to the Respondent parents; and it is further

ORDERED, that not terminating the parental rights of the Respondent parents and placement of the minor child in in the permanent guardianship with      , is the least restrictive alternative commensurate with the best interests of the minor child; and it is further

ORDERED, that       is responsible for the personal affairs of the minor child; and it is further

ORDERED, that       is responsible for making decisions regarding the minor child’s support, care, health, education; and it is further

ORDERED, that       shall at all times act in the minor child’s best interest, shall exercise reasonable care, diligence, and prudence; and it is further

ORDERED, that the Department of Social Services has made reasonable and active efforts to reunite the minor child with the Respondent parents; and it is further

ORDERED, that the Department of Social Services has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and those efforts have proven unsuccessful; and it is further

ORDERED, that serious emotional or physical damage would likely result if the minor child was placed in the custody of the Respondent parents; and it is further

ORDERED, that the Respondent mother and the Respondent father are not relieved from their duty to provide support for the minor child; and it is further

ORDERED, that       is to have full guardianship and rights thereto with the responsibilities of said guardianship under South Dakota law; and it is further

ORDERED, that this guardianship shall remain in effect until the minor child reaches the age of majority or until further Order of this Court; and it is further

ORDERED, that if any party wishes to relinquish or alter the guardianship a hearing shall be set before this Court in Guardianship File      ; and it is further

ORDERED, that the Department of Social Services shall be notified of any proceeding where a change of guardianship status is requested; and it is further

ORDERED, that the Department of Social Services is hereby relieved of its duty to provide active and reasonable efforts and that the case may be closed and their involvement with this family hereby ended; and it is further

ORDERED, that a copy of these Final Dispositional Findings of Fact and Conclusions of Law and Order shall be filed in      ; and it is further

ORDERED, that the Respondent parents have the right to appeal this Court’s Final decision pursuant to South Dakota law.

Dated this       day of      , 20      but is effective 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 Courts

By:

Deputy

(SEAL)