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 )**)

Child(ren), and concerning ) **48 HOUR HEARING ORDER**

 ) **ABUSE OR NEGLECT**

**MOTHER (DOB)**)

**FATHER (DOB)**)

 Respondent(s), )

 The above-entitled matter having come before the Court for a 48 Hour Hearing on the     day of      , 20     , the Honorable       presiding; the State of South Dakota being 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/not appearing in person and represented by counsel; the minor child not appearing in person but represented by counsel; CASA appearing through its designated agent; the Tribe represented by counsel, and/or appearing through Representative; 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 apply to this case; and it is further

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 prevent the removal of the child from the home but removal of the child from the home was necessary to prevent imminent physical damage or harm to the minor child; and it is further

ORDERED, that continuing custody of the minor child with the Department of Social Services is necessary at this time to prevent imminent physical damage or harm to the minor child; and it is further

ORDERED, that returning legal and physical custody of the child to the Respondent parents would likely result in serious emotional and/or physical damage to the minor child at this time; and it is further

ORDERED, that the least restrictive alternative available in the child’s best interest is continued placement in the legal and physical custody of the Department of Social Services; 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 that those efforts shall continue; and it is further

ORDERED, that the Department of Social Services is authorized to release all information available pertaining to this matter to the Tribe; and it is further

ORDERED, that the Department of Social Services shall begin supervised visitation at their discretion provided that if any Protective Order is in place it can be modified to allow for contact visitation; and it is further

ORDERED, that there is good cause to place the child outside the ICWA Placement preferences at this time; and it is further

ORDERED, that the Department of Social Services shall work with the family and the Tribe in an attempt to locate a placement that is within the Placement Preferences; and it is further

ORDERED, that at any time prior to the initiation of child custody proceedings, the State must return the child to his parents if it is shown that removal is no longer necessary to prevent imminent physical damage or harm; and it is further

ORDERED, that an Advisory Hearing shall be scheduled for the       day of      , 20      at      . (TIME)

*ALLEGED ABUSED OR NEGLECTED CHILDREN SHALL NOT BE DETAINED OR JAILED UNLESS THERE IS A VALID COURT ORDER AUTHORIZING DETENTION.*

Dated this       day of      , 20      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)

Further Affiant sayeth not.

Dated this       day of      , 20

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 Affiant

STATE OF SOUTH DAKOTA

COUNTY OF

 Subscribed and sworn to before me on      , 20     .

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 (Notary Public)

My commission expires on

(SEAL)