

**STATE'S PROPOSED  
FINAL DISPOSITIONAL ORDER  
(APPLA – NON ICWA)**

STATE OF SOUTH DAKOTA:

IN CIRCUIT COURT

SS:

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

THE PEOPLE OF THE STATE OF SOUTH  
DAKOTA IN THE INTEREST OF,

File No: \_\_\_\_\_

\_\_\_\_\_  
(DOB: \_\_\_\_\_)  
Child(ren), and concerning

**STATE'S PROPOSED  
FINAL DISPOSITIONAL ORDER**

\_\_\_\_\_  
(DOB: \_\_\_\_\_)

**(APPLA – Non ICWA)**

\_\_\_\_\_  
(DOB: \_\_\_\_\_)  
Respondent(s),

The above-entitled matter having come on for a Final Dispositional 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 child(ren) (APPEARING / NOT APPEARING) in person (AND / BUT) represented by counsel, (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / NOT APPEARING); the Court, having reviewed the records and files herein and being fully informed in the premises, and having made and entered its Final Dispositional Findings of Fact and Conclusions of Law by clear and convincing evidence does now hereby:

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

ORDERED, 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; and it is further

ORDERED that the minor child is hereby placed in the permanent custody of the Department of Social Services in Another Planned Permanent Living Arrangement (APPLA); 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 custody of the Department of Social Services in Another Planned Permanent Living Arrangement (APPLA), is the least restrictive alternative commensurate with the best interests of the minor child; and it is further

ORDERED, that the Department of Social Services has made reasonable efforts to reunite the minor child with the Respondent parents and these efforts have been unsuccessful, those efforts include but are not limited to the following: (EXAMPLE)

- Initial Family Assessment Services
  - Assignment of Specialist Plank
  - Initial Family Assessment completed
  - Safety Plan Determination Worksheet and Conditions for Return
  - Transportation
  - Visitation
- Child Services
  - Basic Foster Care Services
  - Therapeutic Foster Care Services
  - Child Case Plan and Activities and Evaluations
  - Medicaid for medical, dental and vision services
  - Contact with placement resource
  - Transportation
  - Regular Safety Checks
- Ongoing Services
  - Assignment of Specialist (ENTER TEXT)
  - Protective Capacity Assessment and Activities and Evaluations

- Safety Plan Determination and Conditions for Return
- Funding request for gas
- Transportation
- Referrals
  - Behavior Management Systems
  - Therapy
  - Parenting Classes
- Supervised Visitation Weekly
  - Letter
  - Pictures
  - In person
  - At church
    - Collateral Contacts
      - CASA
      - Behavior Management
      - Youth and Family Services
      - Victims Assistance
      - State's Attorney
      - Big Brothers/Big Sisters Program
- Kinship Locator Services
  - Assignment of Kinship Locator Specialist
  - Ongoing relative search for placement and connections
- Family Group Coordinator Services
  - Assignment of Family Group Coordinator Cummings
  - Placement Team Meetings
  - Concurrent Planning Meeting

and it is further

ORDERED, that return of custody of the minor child to the Respondent parents would be injurious to the minor child's welfare; and it is further

ORDERED, that placement of the minor child in permanent custody of the Department of Social Services in Another Planned Permanent Living Arrangement (APPLA) is the least restrictive alternative and in the minor child's best interest; and it is further

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

ORDERED, that the Department of Social Services is hereby relieved of its duty to provide active and reasonable efforts towards reunification regarding the Respondent parents and shall work

towards the permanent plan Another Planned Permanent Living Arrangement (APPLA); and it is further

ORDERED, that contact between the minor child and the Respondent parents and extended family shall be at the discretion of the Department of Social Services based on the best interest of the minor child; and it is further

ORDERED, that the Department of Social Services has ensured the stability and safety of the placement; and it is further

ORDERED, that the Respondent parents have the right to appeal this Courts Final Order pursuant to South Dakota Law.

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:

Clerk of Court

BY: \_\_\_\_\_

Deputy (ENTER NAME)  
(SEAL)

\_\_\_\_\_  
The Honorable (ENTER NAME)  
Judge of the Circuit Court