

**ADVISORY 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: _____

**ADVISORY HEARING
ORDER
(ICWA)**

The above-entitled matter having come before the Court for an Advisory Hearing on the (DAY) day of (MONTH), (YEAR), the Honorable (ENTER NAME), presiding; the State of South Dakota being represented by (DEPUTY STATE'S / STATE'S ATTORNEY), (ENTER NAME); the South Dakota Department of Social Services appearing through Family Services Specialist (ENTER NAME); the Respondent mother, (APPEARING IN PERSON / NOT APPEARING IN PERSON) and (REPRESENTED BY COUNSEL / IS NOT REPRESENTED BY COUNSEL), (ENTER NAME); the Respondent father, (APPEARING IN PERSON / NOT APPEARING IN PERSON) (AND / BUT), (REPRESENTED BY COUNSEL / IS NOT REPRESENTED BY COUNSEL), (ENTER NAME); the minor child (APPEARING IN PERSON / NOT APPEARING IN PERSON) (AND IS / BUT) represented by counsel, (ENTER NAME); CASA (APPEARING THROUGH ITS DESIGNATED AGENT / IS NOT APPEARING); the Tribe (REPRESENTED BY COUNSEL / IS NOT REPRESENTED BY

COUNSEL), (ENTER NAME), (AND / OR) (APPEARING THROUGH ICWA SPECIALIST / ICWA SPECIALIST IS NOT APPEARING) the Court, having reviewed the records and files herein and being fully informed in the premises, does now hereby:

ORDER, that the minor child shall remain in the Department of Social Services' legal and physical custody; 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 the Respondent parents and these efforts have been unsuccessful, and it would be contrary to the child's welfare to be returned home; and it is further

ORDERED, that returning 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 active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful; 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 there is good cause to place the child outside the ICWA Placement preferences.

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:

The Honorable (NAME)
Judge of the Circuit Court

ATTEST:
Clerk of Courts
BY _____
Deputy (NAME)
(SEAL)