

IN THE INTEREST OF

Amended

**Consent Decree  
(Out-of-Home Placement)**

\_\_\_\_\_  
Name

Case No. \_\_\_\_\_

\_\_\_\_\_  
Date of Birth

The parties entered into a stipulation on [Date] \_\_\_\_\_  a consent decree  
 an amended consent decree.

**THE COURT FINDS:**

- 1. The victim/family has been given an opportunity to make a statement.
- 2. If restitution/repairs are ordered, the child/juvenile alone is financially able to pay or the custodial parent/guardian/caretaker is financial able to pay.
- 3. If the child/juvenile is providing services for the victim, the child/juvenile is physically able to perform services for the victim and the victim agrees to such services.
- 4. The stipulation for consent decree is in the child's/juvenile's best interest and the terms and conditions are incorporated herein.

5.  The child/juvenile is a non-Menominee Indian Childe and subject to section 278-13.

6. The child/juvenile is placed out-of-home.

A. Continued custody of the child/juvenile by the parent or Indian custodian  is  is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses. *[This finding is not required if made at a previous hearing in the case].*

B. Active efforts  were  were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the family.

**See attached Statement of Active Efforts**

C.  Placement has been made in accordance with the order of preference set for in Chapter 278.

OR

There is good cause to depart from the order of placement preferences.

D. Placement in the home at this time  is  is not contrary to the child's/juvenile's welfare.

E. Reasonable efforts to prevent removal were *[complete one of the following]*

made by the department responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows:

not required under §278-33 N(1).

- required, but the department responsible for providing services failed to make reasonable efforts.
- F. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
- made.
- not required because the child/juvenile does not have siblings in out-of-home care.
- not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

7. Permanency Place was

- Not filed.
- Filed and reasonable efforts to achieve permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were *[Complete one of the following if a permanency plan was filed]*
- made by the department responsible for providing services as follows:

\_\_\_\_\_

\_\_\_\_\_

not made by the department responsible for providing services.

8. As to the Department recommendations:

- A. The placement location recommended by the department is adopted  
OR
- B. After giving bona fide consideration to the recommendations of Department and all parties, the placement location recommended is not adopted.

**THE COURT ORDERS:**

1. The child/juvenile is placed at \_\_\_\_\_, and into the placement and care responsibility of the Department, which has primary responsibility for providing services.

2. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings. The Department
- shall make reasonable efforts to provide frequent visitation and other ongoing interaction between the child/juvenile and any siblings.
- is not required to provide frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.

3. The appointment of the guardian ad litem for the child/juvenile
- terminates until further order of the court.
- is continued to allow the guardian ad litem to perform duties under §278-9.
- is continued for the following purpose(s): \_\_\_\_\_.

4. The appointment of the attorney for the

- Parent 1 \_\_\_\_\_  Parent 2 \_\_\_\_\_  other: \_\_\_\_\_ terminates until further order of the court.
- Parent 1 \_\_\_\_\_  Parent 2 \_\_\_\_\_  other: \_\_\_\_\_ is continued through the term of this order.

Parent 1 \_\_\_\_\_  Parent 2 \_\_\_\_\_  other: \_\_\_\_\_ is continued for the following purpose(s):

- 
5. The parties must comply with all terms and conditions in the stipulation for consent decree.
  6. Failure to comply with this consent decree may result in reinstatement of these proceedings. If not reinstated, the original Petition is dismissed at the end of the appropriate period without further order of the court.
  7. Expiration date: \_\_\_\_\_ .

Tribal Court Judge Signature ▶
Print Name
Date

DISTRIBUTION:

1. Court
2. All Signers
3. Service Providers
4. Tribe (if Non-Menominee)
5. Other: \_\_\_\_\_