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| **MENOMINEE INDIAN TRIBE OF WISCONSIN MENOMINEE TRIBAL COURT** | | | | | | | |
| IN THE INTEREST OF    Name    Date of Birth | | | | | | | **Order for Change in Placement**  In-Home to Out-of-Home Placement  Out-of-Home to Out-of-Home Placement  Case No. |
|  | | | | | | | |
| **THE COURT FINDS:** | | | | | | | |
| 1. | The child/juvenile is currently under a  temporary physical custody order.  dispositional order. | | | | | | |
|  |  | | | | | | |
| 2. | A Notice or Request for Change in Placement has been filed. | | | | | | |
|  |  | | | | | | |
| 3. | The hearing on the request was held on [Date]       , which is the effective date of this Order. | | | | | | |
|  |  | | | | | | |
| 4. | The allegations of the request are not proven. | | | | | | |
|  |  | | | | | | |
| 5. | The allegations of the request are proven and the court adopts them as findings of fact. | | | | | | |
|  | A. | The child/juvenile is an Indian Child:  Menominee  Other *(Tribal Affiliation)*:       . | | | | | |
|  | B. | The child/juvenile is  placed in-home  placed out-of-home. | | | | | |
|  |  | 1) | | Active efforts  were  were not madeto provide remedial services and rehabilitation programs designed to prevent the breakup of the family. | | | |
|  |  | 2) | | Placement has been made in accordance with the order of preference set forth in §278-23. | | | |
|  |  |  | | OR | | | |
|  |  |  | | There is good cause to depart from the order of placement preference: | | | |
|  |  | 3) | | Placement in-home at this time  is  is not contrary to the child’s/juvenile’s welfare. | | | |
|  |  | 4) | | Reasonable efforts to prevent removal were *[Complete one of the following]* | | | |
|  |  |  | | made by the department or agency responsible for providing services as follows: | | | |
|  |  |  | | made by the department or agency 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 or agency responsible for providing services failed to make reasonable efforts. | | | |
|  |  | 5) | | 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. | | | |
|  |  | 6) | | Emergency conditions exists to change placement outside of the home and  is  is not necessary to prevent imminent physical damage or harm to the child. | | | |
|  |  | 7) | | As to the department or agency recommendation: | | | |
|  |  |  | | A. | | The placement location recommended by the department or agency is adopted. | |
|  |  |  | |  | | OR | |
|  |  |  | | B. | | After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted. | |
|  |  | 8) | | The  mother  father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile, unless that information was previously provided. | | | |
|  |  | 9) | | Other: | | | |
|  |  | | | | | | |
| **THE COURT ORDERS:** | | | | | | | |
| The request for change in placement is | | | | | | | |
| 1. | **denied**.  But Continued out of home placement is not appropriate under the criteria established in §278-33 or 53 and protective supervision  is  is not needed until further order of the court. | | | | | | |
|  |  | | | | | | |
| 2. | **granted**. | | | | | | |
|  | A. | The child/juvenile is placed out-of-home at       and into the placement and care responsibility of the Tribal Department where this order is issued. | | | | | |
|  |  |  | | | | | |
|  |  | Unless otherwise specified, the expiration date of this Order shall be the later of the following: | | | | | |
|  |  | * One year from the date of this Order; | | | | | |
|  |  | * The date the child/juvenile reaches his or her 18th birthday; | | | | | |
|  |  | * The date the child/juvenile is granted a high school or high school equivalency diploma or the date the child/juvenile reaches his or her 19th birthday, whichever occurs first, if the child/juvenile is enrolled fulltime in a secondary school or vocational or technical equivalent and reasonably expected to complete the program prior to age 19; | | | | | |
|  |  | * The date the child/juvenile is granted a high school or high school equivalency diploma or the date the child/juvenile reaches his or her 21st birthday, whichever occurs first, if ALL of the following apply: | | | | | |
|  |  |  | | | * + The child/juvenile is a fulltime student in secondary school or vocational or technical equivalent. | | |
|  |  |  | | | * + An individualized education program is in effect for the child/juvenile. | | |
|  |  |  | | | * + The child/juvenile or guardian, on behalf of the child/juvenile, agrees to this Order. | | |
|  |  |  | | | * + The child/juvenile is 17 years of age or older when this Order is entered. | | |
|  |  | OR | | |  | | |
|  |  | Expiration date of this Order:       . | | | | | |
|  | B. | Transportation to the new placement shall be provided by       . | | | | | |
|  | C. | 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 or agency | | | | | |
|  |  | shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings. | | | | | |
|  |  | is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings. | | | | | |
|  | D. | The department or agency shall conduct a diligent search in order to locate and provide notice to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under no later than 30 days from the date of the child’s/juvenile’s removal from the home, unless the search was previously conducted and notice provided. | | | | | |
|  | E. | A permanency plan consistent with the court’s Order shall be filed no later than 60 days from the date of the child’s/juvenile’s removal from the home and shall be made part of this Order. | | | | | |
|  | F. | The parent(s)/guardian shall contribute toward the expenses of custody/services. | | | | | |
|  |  | Parent/Guardian 1 [Name]       . | | | | | |
|  |  |  | $      per month commencing on [Date]       . | | | | |
|  |  |  | to be determined by [Agency]       . | | | | |
|  |  | Parent/Guardian 2 [Name]       . | | | | | |
|  |  |  | $      per month commencing on [Date]       . | | | | |
|  |  |  | to be determined by [Agency]       . | | | | |
|  | G. | The parent(s), guardian or trustee shall contribute an amount of child support for the out-of-home placement. | | | | | |
|  |  | Parent/Guardian 1 [Name]       . | | | | | |
|  |  |  | $      per month commencing on date of placement. | | | | |
|  |  |  | to be set by further court order or referral to the child support agency. | | | | |
|  |  | Parent/Guardian 2 [Name]       . | | | | | |
|  |  |  | $      per month commencing on date of placement. | | | | |
|  |  |  | to be set by further court order or referral to the child support agency. | | | | |
|  | H. | All provisions of the dispositional order not changed by this Order remain in full force and effect. | | | | | |
|  | I. | Other: | | | | | |

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| |  | | --- | | Tribal Court Judge Signature  ► | | Print Name | | Date | |

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| --- | --- |
| Distribution:  1. Court  2. Child/Juvenile/Attorney/Guardian ad Litem  3. Parents/Guardian/Indian Custodian  4. Legal and/or Physical Custodian/Attorney (if any)  5. Case worker  6. Foster Parent/Treatment Foster Parent (if any)  7. Tribal Prosecutor/Counsel  8. Tribe (if Non-Menominee)  9. Other: |  |