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| **MENOMINEE INDIAN TRIBE OF WISCONSIN MENOMINEE TRIBAL COURT** | | | | | | | | | | | | | | | | | | | | | |  | | | |
| IN THE INTEREST OF   Name    Date of Birth | | | | | | | **Temporary Physical Custody Request**  **(Delinquency – Ch. 278 Art. XII)** | | | | | | | | | | | | | | |
| Referring Agency Case Number | | | | | | | | | | | | | | | | Department Case Number | | | | | | | | | |
| Requesting Agency Complete | **Child’s** Name (Last, First, Middle) | | | | | | | | | | Child’s Date of Birth | | | | Child’s Place of Birth | | | | Child’s Tribal Affiliation | | Child’s Home Telephone Number | | | Child’s Sex  Female  Male | |
| **Child’s** Address | | | | | | | | | |
| address is on the Menominee Indian Reservation with jurisdiction under § 278-3. | | | | | | | Why was child taken into custody? (§278-167 Menominee Tribal Code) | | | | | | | | | | | | | | | | | |
| Warrant/Capias/Order by Judge  Reasonable grounds child needs immediate care or medical attention  Child Abandoned  Child is runaway  Child in immediate danger form his/herself or his/her surroundings and removal is necessary  Child suffering from illness, injury or imminent threat of physical harm or damage  Probable cause exists to believe that the child committed a delinquent act.  Criminal Act  Violation of Civil Law or Ordinance  Compulsory School Attendance | | | | | | | | | | | | | | | | | |
| Child’s County of Residence | | | | | | |
| **Mother's** Name and Address | | | | | | | | | Mother’s  Date of Birth | | | | Mother’s  Place of Birth | | | | Mother’s  Tribal Affiliation | | | | Mother’s  Home Telephone Number | | | Mother’s  Work Telephone Number |
| **Father's** Name and Address  **See attached for additional parties**.      Legal Status: Birth  Adjudicated/Adoptive  Presumed  Alleged  Unknown | | | | | | | | | Father’s  Date of Birth | | | | Father’s  Place of Birth | | | | Father’s  Tribal Affiliation | | | | Father’s  Home Telephone Number | | | Father’s  Work Telephone Number |
| **Legal Guardian/Indian Custodian's** Name and Address | | | | | | | | | Date of Birth | | | | Place of Birth | | | | Tribal Affiliation | | | | Home Telephone Number | | | Work Telephone Number |
| Other known information in regard to tribal affiliation or enrollment, including all potential tribes that the child may be a member and aliases or enrollment numbers of parents, grandparents, or other direct lineal ancestors: | | | | | | | | | | | | | | | | | | | | | | | | |
| Date and Time Taken Into Custody | | | Taken Into Custody By | | | | | | | | | | | | | Agency | | | | | | | | |
| The parents notified by referring party? |  | Yes (Date and Time) | | No  Additional information on notice: | | | | | | | | | | | | | | | | | | | | |
| Why was child not released? | | | | | | | | | | | | | | | | | | | | | | | | |
| Supporting facts of reason why child was taken into physical custody (§§ 278-167,168, and 193 Menominee Tribal Code):  See attachment    Copy provided to child, if age 10 or over:  Yes  No | | | | | | | | | | | | | | | | | | | | | | | | |
| Dept Worker Complete | Was child (12 years or older) notified of right to counsel and right against self-incrimination? (§278-163, 165, Menominee Tribal Code)  Yes  No | | | | | | | | | | | | | | | | | | | | | | | | |
| Were notice of custody decision and hearing rights provided?  (§§ 278-167,168,165 and 166, Menominee Tribal Code)  Child:  Yes, Date       Time        a.m.  p.m.  No  Mother:  Yes, Date       Time        a.m.  p.m.  No  Father:  Yes, Date       Time        a.m.  p.m.  No | | | | | | | | | | | If no, what ongoing efforts have been made to notify? | | | | | | | | | | | | | | |
| Indian Custodian:  Yes, Date       Time        a.m.  p.m.  No | | | | | | | | | | | If parent(s)/Indian custodian are unknown, what efforts have been made to locate or contact? | | | | | | | | | | | | | | |
| Tribe:  Yes, Date       Time        a.m.  p.m.  No  Child (12 years or older):  Yes, Date       Time        a.m.  p.m.  No | | | | | | | | | | |
| **Jurisdictional Basis:**  1. DELINQUENCY: §       2. NO JURISDICTION    **Continued Custody Criteria:** (§§ 278-172,Menominee Tribal Code.)  1. Child will:  cause injury to self or to property of others  be subject to injury by others.  run away or be taken away so as to be unavailable for further court proceedings, or  2. Parent, guardian, caretakers or other responsible adult is unable to provide adequate supervision and care, or  3. Parent has relinquished custody of the child, or  4. Child has committed a delinquent act and there is substantial risk of physical harm to another or running away; or  5. Is a fugitive from another jurisdiction or runaway from a juvenile correctional facility and there was no reasonable opportunity to return the child; or  6. A protective order was issued and the child consented in writing to the custody; or  7. Ran away or committed a delinquent act while in non-secure custody and no other suitable alternative exists; or  8. Is alleged or adjudicated delinquent and is a runaway from another jurisdiction and would runway from non-secure custody; or  9. Is subject to adult criminal court jurisdiction and is under 15 years of age. | | | | | | | | | | | | | | | | | | | | | | | | |
| Department Worker Complete | **Placement Decision:**  1. Child released.  2. Nonsecure custody: (§§278-168, 170, 172,)  A. At the home of a  parent.  relative.  guardian.  person not a relative.  B. At licensed foster home, treatment foster home, or group home.  C. At non-secure facility operated by a licensed child welfare agency.  D. At licensed private or public shelter care facility (including holdover room).  E. At hospital or physician's office if the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment.  F. At licensed treatment facility approved by the county as the child is believed to have a mental illness or developmental disability or to be drug dependent and exhibits conduct that constitutes a substantial probability of physical harm to the child or to others, or a very substantial probability of physical impairment or injury to the child exists due to the impaired judgment of the child.  G. At approved public treatment facility for emergency treatment as the child is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol.  3. Secure custody because: (§278-168,170, 172):  A. To a secure detention facility approved or designated by the Court.  B. Child has run away or committed a delinquent act while in nonsecure custody.  C. Has committed a delinquent act and there is a substantial risk of physical harm to another or running away.  D. Is a fugitive from another jurisdiction or runaway from a juvenile correctional facility and there was no reasonable opportunity to return the child. | | | | | | | | | | | | | | | | | | | | | | | | |
| Placement in the home is contrary to the welfare of the child, due to:  See attachment | | | | | | | | | | | | | | | | | | | | | | | | |
| Efforts made to prevent removal and return the child safely to the home include:  See attachment | | | | | | | | | | | | | | | | | | | | | | | | |
| Name of Placement  Not disclosed to parent  due to imminent danger | | | | | | | | Address | | | | | | | | | | | | | | Telephone Number | | |
| Special precautions/information concerning child/family: | | | | | | | | | | | | | | | | | | | | | | | | |
| Signature of Intake Worker | | | | | Date and Time Custody Authorized | | | | | | | Date and Time of Custody Hearing | | | | | | | Date and Time of Release | | | | | |