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| **MENOMINEE INDIAN TRIBE OF WISCONSIN MENOMINEE TRIBAL COURT** |
|       Name      Date of Birth | **Order for Temporary Physical Custody** [ ]  Secure [ ]  **Nonsecure****(Delinquency – Ch. 278 Art. XII)**Case No.        |
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| A hearing for temporary physical custody was held on [Date]       , which is the effective date of this Order. |
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| **THE COURT FINDS:** |
| 1. | The child/juvenile is in the jurisdiction of this court under |
|  | [ ]  DELINQUENCY §      or |
|  | [ ]  NO JURISDICTION because:       . |
|  |  |
| [ ]  2. | Probable cause exists to believe that the child shall remain in custody because: |
|  | **[ ]** A. | Child/Juvenile will commit injury to person or property of others. |
|  | **[ ]** B. | Child/Juvenile will [ ]  cause injury to self. [ ]  be subject to injury by others. |
|  | **[ ]** C. | Parent, guardian, legal custodian or other responsible adult is unable to provide adequate care or supervision. |
|  | **[ ]** D. | Child/Juvenile will run away or be taken away, making the child unavailable for further court proceedings. |
|  | [ ]  E. | Parent has relinquished custody of the child. |
|  | [ ]  F. | Child has committed a delinquent act and there is substantial risk of physical harm to another or running away. |
|  | [ ]  G.  | Child is a fugitive from another jurisdiction or runaway from a juvenile correctional facility and there was no reasonable opportunity to return to the child. |
|  | [ ]  H. | Child ran away or committed a delinquent act while in non-secure custody and no other suitable alternative exits. |
|  | [ ]  I. | Is alleged or adjudicated delinquent and is a runaway from another jurisdiction and would runaway from secure custody. |
|  | [ ]  J. | Is subject to adult criminal court and is under 15 years of age. |
|  | [ ]  K. | A protective order was issued and the child consented in writing to the custody. |
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| [ ]  3. | Continued out of home placement is not appropriate and the child should be released with any conditions ordered. |
| 4. | [ ]  The child/juvenile is an Indian Child, (*Tribal Affiliation.)*: [ ]  Menominee [ ]  Other:        |
|  **For all custody outside of the home, the court further finds:** |
| 1. | Continued custody of the child out of the home [ ]  is [ ]  is not in the best interest of the child. |
|  |        |
|  |  |
| 2. | Active efforts [ ]  were [ ]  were not madeto prevent removal from the family; [ ]  If not made, that is reasonable that no active efforts were made at this time to reunite the family at this time. [ ]  **See attached Statement of Active Efforts (CU-1000)** |
|  |        |
|  |  |
| 3. | Continuation of residence in the home at this time [ ]  is [ ]  is not contrary to the child’s/juvenile’s welfare. |
|  |         |
|  |  |
|  4. | Reasonable efforts to prevent removal and return child/juvenile safely home 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 (I)(1) and/or (N)(1) Menominee Tribal Code        |
|  | [ ]  required, but good cause has been shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date (Not to exceed 5 days)]:       . |
|  | [ ]  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. | 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. |
|  |  |  |
| [ ]  7. | 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. |
|  |  |
| THE COURT ORDERS: [ ]  |
| [ ]  1. | The child/juvenile is held in custody out-of-home at       and into the placement and care responsibility of the department in the county where this order is issued. |
|  |  |
| [ ]  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 or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings. |
|  | [ ]  The department or agency 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. |
|  |  |
| [ ]  3. | 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. |
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| [ ]  4. | While in a nonsecure placement above, the child shall also be monitored by an electronic monitoring system. |
|  |  |
| [ ]  5. | Release of custody conditions shall include the following restrictions:[ ]  Travel:       [ ]  Associations with the following people and/or places:        |
|  |  |
| [ ]  6. | Other conditions of custody:         |
|  |  |
| [ ]  7. | The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of |
|  | [ ]  $       . |
|  | [ ]  to be determined by [Agency]       . |
|  |  |
| [ ]  8. | Transportation to the placement and any return to court shall be provided by       . |
|  |  |
| [ ]  9. | The next hearing is [Date]       at [Time]       [ ]  a.m. [ ]  p.m. |
|  |  |
| [ ]  10. | The request for temporary physical custody is denied.[ ]  Protective supervision shall be in place until further order of court. |
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|  11. | Other:        |
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| Tribal Court Judge Signature► |
| Print Name      |
| Date      |

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| Name and Address of Placement:       |  |
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| Distribution:1. Court 2. Placement Facility3. Child/Juvenile/Parents/Indian Custodian/Attorneys4. Prosecutor/Tribal Counsel5. Social worker/Case worker/Intake worker6. Tribe (if Non-Menominee) |  |