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| **MENOMINEE INDIAN TRIBE OF WISCONSIN MENOMINEE TRIBAL COURT** | | | | | |
| IN THE INTEREST OF    Name    Date of Birth | | | | **Order for Temporary Physical Custody**  Secure **Nonsecure**  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 | | | | |
|  | CHIPS (under §278-36):       or | | | | |
|  | JIPS (under §§278-55):       or | | | | |
|  | NO JURISDICTION because:       . | | | | |
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| 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/juvenile unavailable for further court proceedings. | | | |
|  | E. | The health and safety of the child cannot be assured if the child is not kept in custody out of the home. | | | |
|  | F. | Parent(s) has surrendered custody of the child/juvenile. | | | |
|  | G. | Request for extension under §278-33 (C)(2) is valid and the following exists  Additional time is required to determine whether the filing of a petition initiating a CHIPS/JIPS court proceeding is necessary; and/or  The Child is in imminent danger to himself or herself or to others; and/or  The Parent(s), Guardian(s), or Caretaker(s) of the child or other responsible adult is  neglecting,  refusing,  unable, or  unavailable to provide adequate care or supervision. | | | |
|  | H. | Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | |
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| 3. | 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. | | | | |
| 4. | The child/juvenile is an Indian Child, (*Tribal Affiliation.)*:  Menominee  Other: | | | | |
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| 5. | Emergency removal and placement outside of the home  is  is not necessary to prevent imminent physical damage or harm to the Indian child/juvenile. | | | | |
| **For all custody outside of the home, the court further finds:** | | | | | |
| 1. | Continued custody of the child/juvenile out of the home  is  is not in the best interest of the child. | | | | |
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| 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)** | | | | |
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| 3. | Continuation of residence in the home at this time  is  is not contrary to the child’s/juvenile’s welfare. | | | | |
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| 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. | | | | |
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| 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. | | | | |
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| 6. | Emergency removal and placement outside of the home  is  is not necessary to prevent imminent physical damage or harm to the child. | | | | |
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| 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. | | | |
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| 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. | | | | |
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| 9. | Placement  is  is not made in accordance with the highest placement preference available at this time. | | | | |
|  | There is good cause to depart from placement preferences. | | | | |
| THE COURT ORDERS: | | | | | |
| 1. | The child/juvenile is held in custody out-of-home at       and into the placement and care responsibility of the Menominee Tribal Family Services Department or their Designee. | | | | |
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| 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. | | | | |
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| 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/juvenile shall also be monitored by an electronic monitoring system. | | | | |
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| 5. | Other conditions of custody: | | | | |
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| 6. | The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of | | | | |
|  | $       . | | | | |
|  | to be determined by [Agency]       . | | | | |
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| 7. | Transportation to the placement and any return to court shall be provided by       . | | | | |
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| 8. | The next hearing is [Date]       at [Time]        a.m.  p.m. | | | | |
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| 9. | The request for temporary physical custody is denied.  Protective supervision shall be in place until further order of court. | | | | |
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| 10. | Other: | | | | |
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| Name and Address of Placement: | | | | |  |
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| Distribution:  1. Court  2. Placement Facility  3. Child/Juvenile/Parents/Indian Custodian/Attorneys  4. Prosecutor/Tribal Counsel  5. Social worker/Case worker/Intake worker  6. Tribe (if Non-Menominee) | | |  | | |