

IN THE INTEREST OF

Name

Date of Birth

**Order for Temporary Physical Custody
(CHIPS Expectant Mother §278-44)**

Secure

Nonsecure

Case No. _____

A hearing for temporary physical custody was held on [Date] _____, which is the effective date of this Order.

THE COURT FINDS:

- 1. The expectant mother and unborn child are in the jurisdiction of this court under
 CHIPS (under §278-44): _____ or
 NO JURISDICTION because: _____
- 2. Probable cause exists to believe that the expectant mother shall remain in custody because:
 - A. If the expectant mother is not held there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the expectant mother's lack of self control in the use of alcohol beverages, and/or controlled substances or controlled substances analogs.
 - B. The expectant mother is refusing or has refused to accept any alcohol or other drug abuse services offered to here or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.
 - C. Other: _____

- 3. Continued out of home placement is not appropriate under the criteria established in §278-44 and protective supervision is is not needed until further order of the court.
- 4. The expectant mother is an Indian Child, (*Tribal Affiliation*): Menominee Other: _____
 The unborn child is an Indian Child, (*Tribal Affiliation*): Menominee Other: _____
- 5. Emergency removal and placement in custody 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.

- 2. Active efforts were were not made to 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. Emergency removal and placement outside of the home 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.
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 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.
- 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.
- 5. Other conditions of custody: _____
- 6. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of \$ _____.

to be determined by [Agency] _____.

7. Transportation to the placement and any return to court shall be provided by _____.

8. The next hearing is [Date] _____ at [Time] _____ a.m. p.m.

9. The request for temporary physical custody is denied.
 Protective supervision shall be in place until further order of court.

10. Other: _____

Tribal Court Judge Signature ▶
Print Name
Date _____

Name and Address of Placement:

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)