

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Order for Temporary Physical Custody

Secure

Non-secure

Indian Child Welfare Act

Name

Date of Birth

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 child/juvenile is in the jurisdiction of this court under
 JIPS (under §938.13 (4), (6), (6m), or (7), Wis. Stats.) [Statutes]: _____ OR
 CHIPS [Statutes]: _____.
2. Probable cause exists to believe that the
 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
 neglecting refusing unable unavailable to provide adequate supervision and care.
 D. Child/Juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.
 E. Parent(s) has relinquished custody of the child/juvenile.
3. Child/Juvenile is subject to the federal Indian Child Welfare Act. *(If the child/juvenile is placed in-home and therefore not subject to the Indian Child Welfare Act, use form JD-1711 instead of this order.)*
4. 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 secure custody, the court further finds that probable cause exists to believe:

1. A protective order was issued and the child/juvenile consents in writing to the custody.
2. The child/juvenile ran away or committed a delinquent act while in non-secure custody.

For secure custody in a jail, the court further finds:

1. No other juvenile detention facility approved by DOC or the county is available.
2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

For all custody outside of the home, the court further finds:

1. Continued custody of the child/juvenile by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses. *(This finding is optional at this hearing.)*
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2. Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. *(This finding is optional at this hearing.)*
 See attached Statement of Active Efforts (IW-1609)
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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 §§48.355(2d) and 938.355(2d), Wis. Stats.
 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 Indian child/juvenile.
7. The placement is certified as a Qualified Residential Treatment Program.
 A. The standardized assessment and recommendation by a qualified individual have been submitted.
1. The needs of the child/juvenile can cannot be met through placement in a foster home.
2. The placement does does not provide the most effective and appropriate level of care for the child/juvenile in the least restrictive environment.
3. The placement is is not consistent with the short-term and long-term goals for the child/juvenile, as identified in the permanency plan.
4. The placement is approved disapproved.
OR
 B. The agency primarily responsible for providing services will submit the standardized assessment and recommendation by a qualified individual by: _____. *[No later than 30 days from date of placement]*
8. 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.
9. 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:

The Temporary Physical Custody Request is

- 1. **DENIED.**
- 2. **GRANTED.**

The child/juvenile is held in custody out-of-home at [Name and Address] _____ and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, which has primary responsibility for providing services.

- 3. 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.
- 4. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2., Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., 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.
- 5. While in a non-secure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.
- 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. Other: _____

DISTRIBUTION:

- 1. Court
- 2. Child's/Juvenile's Guardian ad Litem/Adversary Counsel
- 3. Parents
- 4. Parents' Attorney(s)
- 5. Child's/Juvenile's Guardian/Legal Custodian
- 6. District Attorney/Corporation Counsel
- 7. Caseworker
- 8. Tribe
- 9. Indian Custodian