

**PROTECTIVE CUSTODY
FINDINGS AND ORDER**

IN THE JUVENILE COURT OF _____ COUNTY, NEBRASKA

CASE NUMBER: _____

IN THE INTEREST OF

**PROTECTIVE CUSTODY
FINDINGS AND ORDER**

CHILD/CHILDREN UNDER EIGHTEEN YEARS OF AGE

1. On _____, _____, this matter came on before the Court for a Preliminary Protective Custody hearing on the original petition subsequent petition supplemental petition other (specify): _____.

2. Appearing in court were:

- Child(ren): _____
- Mother: _____
- Father: _____
- Father: _____
- NDHHS Case Worker: _____
- County Attorney: _____
- Facilitator: _____
- CASA: _____

- Attorney for Child(ren): _____
- Attorney for Mother: _____
- Attorney for Father: _____
- Attorney for Father: _____
- Attorney for NDHHS: _____
- Other: _____

3. **EXHIBITS OFFERED AND ADMITTED INTO EVIDENCE:**

- None Affidavit of Removal: _____ Case Plan/ Court Report CASA Report
- GAL Report Visitation Report Caregiver Information Form FCRB Report Other: _____

THE COURT FINDS AND ORDERS:

- 4. a. The mother father were served with the Petition/Amended Petition/Supplemental Petition on _____, _____.
- b. Parties present waive notice by summons 72 hours prior to hearing or were served with a summons and the Court has jurisdiction
- 5. a. Notice of the date, time and location of the hearing was properly given as required by law.
- b. The petition was read to those present at the beginning of the hearing.
- Reading of the petition was waived by those present at the beginning of the hearing.
- 6. The child(ren)'s legal **removal date** from the parental home is: _____, _____. The child(ren) have been in out-of-home placement for _____ months.
- 7. The Court advised the mother father: _____ father: _____
- other: _____ of:
- a. Rights pursuant to N.R.S. § 43-279.01 including:
 - Speedy Adjudication with burden of proof on the State.
 - Counsel obtained/appointed if parent(s) indigent.
 - Confront and cross-examine witnesses.
 - Appeal and have transcript provided for such purpose.
 - Subpoena witnesses and present evidence.
 - Prompt hearing on temporary custody.
 - Remain silent and anything said may be used against parent(s).
 - Testify on parent(s) own behalf.

- b. Possible dispositions including:
 Maintain jurisdiction until child(ren) reaches 19 years of age.
 Place in care and custody of NDHHS.
 Parent(s) responsible for costs of care or services.
 Potential authority of the court to terminate parental rights.
 Place in a suitable placement subject to supervision.
- c. The mother father: _____ other: _____ acknowledged understanding of their rights

8. a. The mother father: _____ other: _____ has knowingly and intelligently waived their rights.
b. The mother father: _____ other: _____ understand the nature of the proceedings, the possible consequences and dispositions of being adjudicated

<input type="checkbox"/> Party	<u>Admits</u>	<u>Pleads no contest</u>	<u>Denies</u>	<u>To petition as amended on:</u>
a. <input type="checkbox"/> Mother: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. <input type="checkbox"/> Father: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. <input type="checkbox"/> Father: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
d. <input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

10. There is a factual basis for the admission.

11. By preponderance of the evidence, the allegations set forth are true: _____
a. as stated in the petition as originally filed
b. as stated in the petition as amended on _____, _____:
1. by agreement of the parties
2. by the court to conform to proof
- The allegations (specify) as stated in the petition as amended on _____, _____ are not proven and are ordered stricken.
 The allegations of the petition are not sustained.
 On motion of the petitioner, the following allegations are stricken: _____

12. The children are children within the meaning of N.R.S. § 43-247, Subd. 3(a): _____

13. a. As a result of the pre-hearing conference, the parties proposed to the Court that:
1. _____
2. _____
3. _____
4. _____
- b. The Court finds that the proposals and agreement is in the best interests and safety of the child(ren).

14. **CHILD(REN) NOT DETAINED**

- a. Services that would prevent the need for further detention are available.
b. The child(ren) is returned to the custody of: mother father: _____ other (specify): _____
c. The child(ren) and mother father: _____ other (specify): _____ are placed under the supervision of HHS for a minimum of 6 months pursuant to their voluntary agreement to informal supervision and the provision of services as set forth in the case plan.

CHILD(REN) DETAINED

- a. The initial removal of the child(ren) from the home was necessary for reasons stated on the record, and include: _____
b. The facts on which the court bases its decision to order the child(ren) detained are stated on the record, and include: _____
c. Continuance in the parent's or legal guardian's home is contrary to the child(ren)'s best interests, health, safety, and welfare because/until: _____
d. Reasonable efforts were made to prevent or eliminate the need for removal from the home, including:
1. _____
2. As in Exhibit: _____
3. As in Case Plan Court Report: _____
4. Other: _____

but out-of-home placement is necessary at this time.

- Reasonable efforts were **not** made to prevent or eliminate the need for removal from the home.
 Reasonable efforts to prevent or eliminate the need for removal are not required because:

26. The next hearing is scheduled as follows:

Hearing Date: _____	Time: _____	Court Room: _____
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- a. Adjudication Hearing
- b. Disposition Hearing
- c. Pre-trial hearing
- d. Settlement conference
- e. Other: _____

27. All prior orders not in conflict with this order remain in full force and effect.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS HEREIN ABOVE SET

DATED: _____, _____

BY THE COURT:

_____, JUDGE

REGARDING ALLEGATIONS OF ABUSE OR NEGLECT

NOTICE: PLACEMENT OF YOUR CHILD IN FOSTER CARE MAY RESULT IN YOUR LOSS OF YOUR RIGHTS TO YOUR CHILD. IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE COUNTY ATTORNEY OR GUARDIAN AD LITEM MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND UNDER CERTAIN CIRCUMSTANCES MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.