

**PROTECTIVE CUSTODY  
FINDINGS AND ORDER**

JC 14:11(1) New 11/07

Neb. Rev. Stat. § 43-247(3)(a)

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

9. Party Admits Pleads no contest Denies To petition as amended on:

a. Mother: \_\_\_\_\_

b. Father: \_\_\_\_\_

c. Father: \_\_\_\_\_

d. Other: \_\_\_\_\_

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:

1. The parent has subjected the child to aggravated circumstances in accordance with § 43-283.01, Subd. 4(a).
2. The parent of the child has committed or attempted to commit murder or voluntary manslaughter or committed felony assault, in accordance with § 43-283.01, Subd. 4(b)
3. The parental rights of the parent to a sibling of the child have been involuntarily terminated
- Reasonable efforts would not have prevented removal because the child(ren) were unsafe.
- e. Services, including those set forth in 16, are to be provided to the family as soon as possible to reunify the child(ren) with the family.
- f. The child(ren) are placed in the protective custody of NDHHS.
- g. The child(ren) are placed in:
- The assessed home of a relative
  - An emergency shelter
  - Other suitable licensed place
- h. The children were removed from the Indian custodian or parent to prevent imminent physical damage or harm to the child.
- i. Relative placement:
- There is a relative who is able, assessed and willing to care for the child.
  - A relative who is able, assessed, and willing to care for the child is not available.
  - There is a relative who is willing to care for the child, and NDHHS shall assess the relative as a placement option.
  - NDHHS shall actively search for a relative who is willing and able to care for the child.
15. The child(ren): (specify) \_\_\_\_\_ is/are or may be an Indian child under the Indian Child Welfare Act and NDHHS must provide notice of the proceeding and of the tribe's right to intervene in the proceeding to all identified tribes and to the Bureau of Indian Affairs if the identity or location of a parent, an Indian custodian or a tribe cannot be determined. Proof of such notice must be filed with this Court.
16. The following services will be offered and provided pending further proceedings:
- |         |  |        |               |              |
|---------|--|--------|---------------|--------------|
| Service |  | Mother | Father: _____ | Other: _____ |
|---------|--|--------|---------------|--------------|
- a. Alcohol Drug testing
  - b. Substance abuse treatment
  - c. Parenting education
  - d. Parenting assessment
  - e. Psychological assessment
  - f. (Specify) \_\_\_\_\_
  - g. (Specify) \_\_\_\_\_
17. The mother father: \_\_\_\_\_ Other: \_\_\_\_\_ shall be granted reasonable rights of unsupervised supervised visitation with the child(ren) as arranged by NDHHS.
18. The mother father: \_\_\_\_\_ Other: \_\_\_\_\_
- a. must disclose to the case worker the names, residency and any known identifying information of any maternal or paternal relatives of the child(ren).
  - b. must disclose any known information identifying the children as having Indian ancestry.
  - c. must keep the court, NDHHS, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses.
19. NDHHS is hereby authorized to consent to any medical, dental, surgical or psychiatric treatment or such care as vaccinations and inoculations which in the opinion of a licenses and practicing physician or dentist may be necessary and in the best interest and safety of the child(ren).
20. NDHHS shall furnish a report to this Court and all attorneys as to the care, maintenance, and moral and physical training of the child(ren) every thirty days.
21. The costs of the child's care to the extent not covered by the \_\_\_\_\_ parents' insurance shall be borne by the State of Nebraska.
22. Any reports to be submitted at the next hearing shall be presented to the attorneys and Guardian ad Litem, and the original reports shall be submitted the Court, at least 3 business days prior to the hearing.
23. Notice and the right to be heard shall be provided to the foster/preadoptive parents/relative caregiver by the Court as required by N.R.S. § 43-1314.
24. A Family Group Conference in this matter shall be arranged by NDHHS and held as soon as possible.
25. Other: \_\_\_\_\_

26. The next hearing is scheduled as follows:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Court Room: \_\_\_\_\_

- 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.**