

# ARRAIGNMENT

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

CASE NUMBER: \_\_\_\_\_

IN THE INTEREST OF

## ARRAIGNMENT

CHILD/CHILDREN UNDER EIGHTEEN YEARS OF AGE

1. On \_\_\_\_\_, \_\_\_\_\_, this matter came on before the Court for Arraignment on the  original petition  subsequent petition  supplemental petition  other (specify): \_\_\_\_\_.

2. Appearing in court were:

- Child(ren) (Name, DOB, etc): \_\_\_\_\_
- GAL for child(ren): \_\_\_\_\_
- Attorney for child(ren): \_\_\_\_\_
- Mother: \_\_\_\_\_
- Attorney for mother: \_\_\_\_\_
- Father: \_\_\_\_\_
- Attorney for father: \_\_\_\_\_
- Father: \_\_\_\_\_
- County Attorney: \_\_\_\_\_
- NDHHS: \_\_\_\_\_
- Facilitator: \_\_\_\_\_
- CASA: \_\_\_\_\_
- Other: \_\_\_\_\_

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

- None  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: \_\_\_\_\_  other: \_\_\_\_\_
- 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.  Remain silent and anything said may be used against parent(s).
  - Prompt hearing on temporary custody.
  - 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 rights and dispositions.

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. <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.  **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 NDHHS 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.  Placement in the parent's or legal guardian's home is contrary to the child(ren)'s best interests, health, safety, and welfare because/until: \_\_\_\_\_
- b.  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.
- c.  The child(ren) remain or shall be placed in the protective custody of NDHHS.
- d.  The child(ren) remain or shall be placed in:
  - The assessed home of a relative.
  - An emergency shelter.
  - Other suitable licensed place.
- e.  Services, including those set forth in 13, are to be provided to the family as soon as possible to reunify the child(ren) with the family.
- f.  The children were removed from the Indian custodian or parent to prevent imminent physical damage or harm to the child.
- g.  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.

14.  The child(ren): (specify) \_\_\_\_\_  is 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.

15.  The following services will be offered and provided pending further proceedings:

Service	Mother	Father:	Other:
a. <input type="checkbox"/> Alcohol <input type="checkbox"/> Drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Parenting assessment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Psychological assessment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16.  The  mother  father: \_\_\_\_\_  other: \_\_\_\_\_ shall be granted reasonable rights of  unsupervised  supervised visitation with the child(ren) as arranged by NDHHS.

17.  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.

- 18.  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).
- 19.  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 30 days.
- 20.  The costs of the child's care to the extent not covered by the  mother  father  parents' insurance shall be borne by the State of Nebraska.
- 21.  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.
- 22.  Notice and the right to be heard has been provided to the foster/preadoptive parents/ relative caregiver by the Court as required by N.R.S. § 43-1314.
- 23.  A Family Group Conference in this matter shall be arranged by NDHHS and held as soon as possible.
- 24.  Other: \_\_\_\_\_
- 25.  **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: \_\_\_\_\_

**The permanency planning hearing is scheduled as follows:**

Hearing Date: _____	Time: _____	Court Room: _____
---------------------	-------------	-------------------

26. 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.**