

AOC-DNA-3
 Rev. 1-21
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 Commonwealth of Kentucky
 Court of Justice *www.kycourts.gov*
 KRS 610.010, .050, .070, .160, .170
 KRS 620.023, .027, .080, .090, .100,
 KRS 620.130, .220
 FCRPP 20; 42 U.S.C. § 675(5)(G)



**ORDER
 TEMPORARY REMOVAL HEARING**

Case No. _____
 Court District Family
 County _____
 Division _____
 Hearing Type: Temp Removal (TRH)

IN THE INTEREST OF: _____, A CHILD

DOB	Sex	Race	SSN

The following persons were present at today's hearing:

- Mother Father Child County Attorney CHFS Worker _____
- Other Person(s) Exercising Custodial Control or Supervision (PECCS) _____
- Counsel for Child _____ Counsel for Mother _____
- Counsel for Father _____ Counsel for PECCS _____
- CASA _____ Stepparent(s) _____
- Foster Parent(s) _____
- Person(s)/Agency providing care _____
- Other _____

FINDINGS OF FACT/CONCLUSIONS OF LAW

NOTE: If additional space is needed for findings, attach as an addendum. If this hearing is continued, please complete #9.

The Court having considered the sworn testimony and evidence, and being otherwise sufficiently advised, hereby finds and concludes:

1. The parent(s) or other person(s) exercising custodial control or supervision has/have stipulated to dependency **OR** neglect and abuse.
2. The Commonwealth **has** **has not** proved by a preponderance of the evidence that there are reasonable grounds to believe that the child would be dependent, neglected or abused if returned to or left in the custody of his/her parent(s) or other person(s) exercising custodial control or supervision.
3. The facts **do not** support removal or continued removal of the child, or there are less restrictive alternatives to removal that are adequate to reasonably protect the child.

OR

The facts **do** support removal or continued removal of the child, or there are no less restrictive alternatives to removal that are adequate to reasonably protect the child. **The specific findings are as follows:**

4. The child's *best interests* **require** **do not require** the Court to order a change of temporary custody of the child.
5. **Continuation in the home of removal** **is** **is not** *contrary to the welfare of the child.*

6. Reasonable Efforts:

- Reasonable efforts were made to prevent the child's removal from the home.
- Reasonable efforts to preserve or reunify the child with his/her family are not required pursuant to KRS 610.127.
- Reasonable efforts were not made to prevent the child's removal from the home.
- ICWA Cases Only.** Active efforts have been made to provide services to the family to prevent removal of the American Indian child from his/her parent(s) or American Indian custodian(s) and to reunify the American Indian child with his/her parent(s) or American Indian custodian(s) (if removed).

7. Pursuant to KRS 610.170, the parent(s) or other person(s) exercising custodial control or supervision of the child **is** **is not** able to contribute to the support, maintenance or education of the child. If able to contribute, child support may be ordered using an AOC-152, Uniform Child Support Order And/Or Wage/Income Withholding Order.

8. **APPOINTMENT OF COUNSEL: Counsel as provided for in KRS 620.100(1) has been/will be appointed by separate order, AOC-DNA-10, Order Appointing Counsel.**

9. This hearing is continued to the date specified at the end of this Order, and any Emergency Custody Order entered herein shall be extended to that date.

10. **If adjudication and/or disposition is/are scheduled beyond forty-five (45) days:** It is in the best interest of the child to extend the time for the adjudication and/or disposition beyond forty-five (45) days of the removal of the child as authorized by KRS 620.090(5) **AND** the **following written findings** establish the need for the extension:

11. Pursuant to KRS 610.080, the child and the parent(s) have waived their right to two (2) distinct hearings being held on separate days after consultation with the child's attorney; and, further waive the right to a formal predisposition investigation report and move that an adjudication and a disposition hearing be held the same day. Further:

If the disposition is to be commitment, DCBS/DJJ has also consented to the waiver.

ORDER

WHEREAS, the above-named child has been brought before this Court pursuant to KRS 610.010, the Court finds its jurisdiction has been properly sought and based upon the findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT THIS CHILD SHALL:**

Doc. Code:

1. **OTHTC** Be placed in temporary custody of the Cabinet for Health and Family Services (CHFS). Advisory recommendations for placement, if any, are:

OTHCR Be placed in temporary custody of relative(s) or other appropriate person(s) or agency named below.

OTHRR Be returned/released to home of removal.

OTHRM Remain in the home.

Name, address and relationship of person(s) with whom the child is placed if other than CHFS:

Name: _____

Address: _____

Relationship to the child: _____

2. The parent(s), guardian(s) or person(s) exercising custodial control or supervision of the child shall cooperate with CHFS and actively participate in treatment or a social service program. (KRS 610.160)

3. OTHER ORDERS:

NEXT HEARING WILL BE HELD _____, 2_____, at _____ a.m. p.m. at the following location:

Hearing Type: Pretrial Conference (PC) Adjudication (AH) Other (OH) _____

The following persons shall be present:

ALL PARTIES AND COUNSEL OF RECORD Except: _____

AND:

- CASA _____
- Stepparent(s) _____
- Foster Parent(s) _____
- Person(s)/Agency providing care _____
- Other _____

_____, 2_____
Date

Judge's Signature

Distribution:

- Court file
- Cabinet for Health and Family Services or facility or agency where child is placed
- All counsel of record and/or parent(s)/custodian(s) if the child not represented by counsel