Dependency & Termination of Parental Rights Law

Dependency Case Process - Complaint

Complaint (Form JU-2).

*May be filed by any person (who has knowledge of the facts or is informed of them and believes that they are true).

*Must be written and verified.

*Received by intake officer or "alternate" intake officer (Rule 8(A), Alabama Rules of Juvenile Procedure (Ala.R.Juv.P.) and § 12-15-102(11) — must be a full-time or part-time certified juvenile probation officer, Unified Judicial System (UJS) employee, or person working for the juvenile court regardless of whether salary is paid out of UJS funds).

Ala.Code 1975, §§ 12-15-118(1), 12-15-120(a); and Rule 12(A), Ala.R.Juv.P.

Dependency Case Process - Complaint (cont'd)

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Dependency Case Process - Intake

As stated in the case, State v. Thomas, 550
So.2d 1067 (Ala. 1989), "The primary purpose
of juvenile court intake is to screen out cases
that are not within the court's jurisdiction.' P.
Piersma, J. Ganorsis, A. Volenik, H. Seanger,
P.Connell, Tactics in Juvenile Cases, 213 (3d
ed. 1977)."

Preliminary Inquiry and Best Interests

 Preliminary Inquiry By Intake Officer in Order to "Receive" Complaint.

*Subject-Matter Jurisdiction/Venue Determination.
**Probable Cause" Determination.

§ 12-15-120(b); Rule 12(B), Ala.R.Juv.P.

 Best Interests Determination by Intake Officer to Determine if Petition Should be Delivered to Clerk of Court,

Rule 12(C)(2), Ala.R.Juv.P.

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Preliminary Inquiry - Jurisdiction

Subject-Matter Jurisdiction

Age of "Child" [§ 12-15-102(3)] – under 18 years of age OR under 21 years of age AND before the juvenile court for a <u>delinquency</u> matter arising before 18th birthday.

Preliminary Inquiry – Jurisdiction (cont'd)

Subject-Matter Jurisdiction (cont'd):

"Custody" Actions

Juvenile Court generally will have jurisdiction over:

*Custody actions with allegations of dependency (JU).

*Custody issues arising at the same time in parentage actions (CS) under Uniform Parentage Act OR after an establishment of parentage.

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Preliminary Inquiry – Jurisdiction (cont'd)

If a custody action is filed without an allegation of dependency or a
paternity issue then, effective January 1, 2009, the juvenile court
does NOT have jurisdiction over these types of actions, and they
must be filed in the circuit court under that court's equity power.

See Ex parte Handley, 460 So.2d 167 (Ala. 1984) (circuit court has equity jurisdiction over child custody proceedings) and § 12-11-31(1).

}

Preliminary Inquiry - Venue

VENUE – county where child resides, where child is present when proceedings are commenced, or where alleged acts occurred [§ 12-15-302(a)].

Additional Venue Rules [§§ 12-15-302(b), (c), and (d)] – NOT for Preliminary Inquiry Stage!

*Subsequent modification petition – ONE party still resides in original county – filed there.

*Subsequent modification petition – NO party still resides in original county – filed in county where child resides.

Child's Residence = 6 or more months in county OR permanent legal residence of child and legal custodian; does not include placements by a state agency.

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Preliminary Inquiry – Probable Cause

Probable Cause –

definition of "dependent child"
(essential element – "and is in need of care or supervision").

Preliminary Inquiry – Probable Cause (cont'd)

§ 12-16-102(8) - "DEPENDENT CHILD"

"a. A child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and meets any of the following circumstances:

"1. Whose parent, legal guardian, legal custodian, or other custodian subjects the child or any other child in the household to abuse, as defined in subdivision (2) of Section 12-15-301 or neglect as defined in subdivision (4) [sic – (8)] of Section 12-15-301, or allows the child to be so subjected.

"2. Who is without a parent, legal guardian, or legal custodian willing and able to provide for the care, support, or education of the child.

"3. Whose parent, legal guardian, legal custodian, or other custodian neglects or refuses, when able to do so or when the service is offered without charge, to provide or allow medical, surgical, or other care necessary for the health or well-being of the child.

"4. Whose parent, legal guardian, legal custodian, or other custodian falls, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state.

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Preliminary Inquiry – Probable Cause (cont'd)

- "5. Whose parent, legal guardian, legal custodian, or other custodian has abandoned the child, as defined in subdivision (1) of Section 12-15-301.
- "6. Whose parent, legal guardian, legal custodian, or other custodian is unable or unwilling to discharge his or her responsibilities to and for the child.
 - "7. Who has been placed for care or adoption in violation of the law,
 - "8. Who, for any other cause, is in need of the care and protection of the tate.
- "b. The commission of one or more status offenses as defined in subdivision (4) of Section 12-15-201 is not a sufficient basis for an adjudication of dependency."

The Juvenile Justice Act of 2008, effective 1/1/2009, deleted the provision from the definition of "dependent child" that a child ". . . [w]hose custody is the subject of controversy" is dependent.

Dependency Case Process - Petition

Filing of Petition (Form JU-6) by Clerk

*Delivery by Intake Officer to Clerk for Filing.

*W/in 21 days of receipt of complaint (generally) (NOTE: 21 days applies to complaints received on or after 7/1/2014).

Rules 12(C)(2) and (E), Ala.R.Juv.P.

§12-15-120(b): "A petition alleging that a child is dependent shall not be filed by a juvenile court intake officer unless the officer has determined and endorsed upon the petition that the juvenile court has subject matter jurisdiction and venue over the case and that the filing of the petition is in the best interests of the public and the child." (Emphasis supplied). (Note: Rule 12(C)(2), Ala,R.Juv.P., says best interests of the child OR of the public.)

"Best interests" determination is in DISCRETION of intake officer.

Endorsement may be found on Form JU-6 (next slide) or, if not on petition, Form JU-6A (on slide after next one) may be used and filed with petition.

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Dependency Case Process – Petition (cont'd)

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Dependency Case Process

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Dependency Case Process - Petition

A juvenile petition only may be signed by any person 18 years of age or older, other than a juvenile court intake officer, who has knowledge of the facts and is informed of them and believes that they are true.

§ 12-15-121(a).

Dependency Case Process

§ 12-15-121(a) – Child Custody Proceeding Affidavit (Form JU-23)

Every party must file a custody affidavit stating:

*Child's present address or whereabouts.

*Places where child has lived last 5 years.

*Names and present addresses of persons with whom child has lived last 5 years.

"Proceedings concerning the child in which affiant was party or witness.

*Other proceedings of which afflant has knowledge.

*Names and addresses of persons who have physical custody of child other than parties.

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Dependency Case Process - Summons

Issuance of Summonses for Dependency and TPR Cases:

*Child (if 12 years of age or older).

*Parents, legal guardian, or legal custodian.

*Other necessary parties.

§ 12-15-122(a) and Rule 13(A)(1), Ala.R.Juv.P.

Dependency Case Process - Service

Service of Summonses:

*Pursuant to Rules of Civil Procedure, except as otherwise provided.

§ 12-15-123 and Rule 13(A), Ala.R.Juv.P.

*Service by Publication NOT authorized except TPR.

Rule 13(A)(2), Ala.R.Juv.P.

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Dependency Case Process - Appearance

Appearance of Counsel:

*Counsel for a party must file his or her pleading or notice of appearance with appropriate contact information in all juvenile court proceedings with the clerk or by appearing personally at a juvenile court hearing and advising the juvenile court that he or she is representing a party.

*Counsel who have filed a pleading or notice of appearance with the clerk or who have appeared at a juvenile court hearing shall receive cooles of all notices, pleadings, motions, orders, and other documents required by statute or rule to be given to parties.

*Counsel must not withdraw from a case without the consent of the juvenile court.

Rule 14, Ala.R.Juv.P.

Dependency Case Process

"Shelter Care" Hearing:

*MUST BE HELD w/ln 72 hours of removal of child from custody of parent, etc. and cannot be waived.

*Notice (oral or written) of hearing must be given to parent, etc.

*Advisement of right to counsel.

*Informed of contents of petition.

*Relevant and material evidence.

*Court may order parent, etc. to provide a list of relatives (see Social Worker Guide).

§ 12-15-308.

NOTE: Rule 1(A), Ala.R.Juv.P., provides that, except as otherwise provided by constitutional provision, statute, these Rules, or other rules adopted by the Supreme Court of Alabama, the Alabama Rules of Evidence shall apply in all juvenile court proceedings.

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Dependency Case Process (cont'd)

Contrary to Welfare Determination in Court Order:

*First Order of Removal [§ 12-15-312(a)(1)].

*Case Specific and Explicit.

*Nunc pro tunc orders and affidavits not permitted.

Dependency Case Process - ISP

Individualized Service Plan (ISP) Meeting:

- *Engaging and joining with the family.
- *Identifying strengths, needs, and goals.
- *Matching and developing services.
- *Determining responsibility for steps.
- *Tracking progress.
- *Sustaining the change.

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Dependency Case Process

"Six-Month Reviews":

*If a child is in foster care or "out-of-home" care, must be held within 6 months of the removal of the child from the home and at least every 6 months thereafter while the child is in foster care.

*Mandated by federal law but not provided in state law.

*Purpose is to review the status of the child's case.

Dependency Case Process (cont'd)

Adjudicatory Hearing:

- *Scheduled for "earliest practicable date."
- *Confidential and w/out jury.
- *Ascertain if all parties present.
- *Advisement of rights.
- *Advisement of substance and allegations
- of petition by counsel or court.
- *Receives relevant, material, and competent evidence.
- *Clear and convincing evidence standard.

§§ 12-15-129, 12-15-310, and 12-15-311; Rules 23 and 24, Ala.R.Juv.P.

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Dependency Case Process (cont'd)

Reasonable Efforts Determinations in Court Orders:

*Efforts to Prevent Removal = w/in 60 days after removal of child [§ 12-15-312(a)(2)].

*Efforts to Finalize Permanency Plan = w/in 12 months after removal of child and not less than every 12 months thereafter [§ 12-15-312(a)(3)].

*Case specific and explicit.

Dependency Case Process (cont'd)

Reasonable efforts not required to be made if parent:

- * Had an involuntary TPR of sibling against parent.
- * Subjected a child/sibiling to an "aggravated circumstance" rape, sodomy, incest, aggravated stalking, abandonment, torture, chronic abuse, sexual abuse, etc.
- * Committed murder/manslaughter of another child or the other parent of the child.
- * Alded or abetted, attempted, conspired or solicited to commit murder/manslaughter of another child or the other parent of the child.
- *Committed a felony assault resulting in serio.us bodily injury to child, another child, or the other parent of the child

*Once determination made, permanency hearing w/in 30 days after determination.

§§ 12-15-312(c) and (e).

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Dependency Case Process - Recording

Recording Juvenile Court Proceedings:

 A recording of all "juvenile court proceedings" shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof.

Rule 20(A), Ala.R.Juv.P.

Dependency Case Process - Findings

Findings from Adjudicatory Hearing:

Either:

- (1) Facts are true and child is dependent; or
- (2) Facts are not proved (child is not dependent) and petition shall be dismissed.

Findings must in writing.

Rule 25(A), Ala, R. Juv. P.

Dependency Case Process -Dispositions

Dispositional Hearing:

- *Right after adjudicatory phase or separate.
- *Relevant and material evidence.
- *Decision is what is in "best interests of child."
- *Possible dispositions:
 - *Remain with parents, etc.
 - *Protective supervision.
 - *"Temporary" legal custody to DHR, child-placing agency, or "relative" or other individual.

 - **Permanent" legal custody to DHR and TPR.
 - *Any other order in best interests of child.

§§ 12-15-311, 12-15-314; Rule 25, Ala.R.Juv.P.

Dependency Case Process

"Relative":

§ 12-15-301(13) - Definition of "Relative":

"An individual who is legally related to the child by blood, marriage, or adoption within the fourth degree of kinship, including only a brother, sister, uncle, aunt, first cousin, grandparent, great grandparent, great uncle, great great grandparent, niece, nephew, grand niece, grand nephew, or a stepparent."

§ 12-15-314(a)(3)c.:

"A relative or other individual who, after study by the Department of Human Resources, is found by the juvenile court to be qualified to receive and care for the child. Unless the juvenile court finds it not in the best interests of the child, a willing, fit, and able relative shall have priority for placement or custody over a non-relative."

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Dependency Case Process (cont'd)

Permanency Hearing:

*Determines permanency plan.

*Must be held w/in 12 months of "...the date a child is removed from the home and placed in out-of-home care, and not less frequently than every 12 months thereafter during the continuation of the child in out-of-home care ..." OR w/in 30 days of no reasonable efforts finding.

§ 12-15-315.

Dependency Case Process (cont'd)

Notices of Permanency Hearings (to Parties):

Other than detention, shelter-care, and 72-hour hearings, written notice of all hearings and hearings on the merits of the petition as otherwise provided in this rule shall be provided to all parties in the proceedings and shall include the date, time, place, and purpose of the hearings.

Rule 13(C), Ala.R.Juv.P.

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Dependency Case Process (cont'd)

Notice to Relative Caregivers, Preadoptive Parents, and Foster Parents:

*Relative caregivers, preadoptive parents, and foster parents must be given notice, verbally or in writing, of the date, time, and place of any juvenile court proceeding held with respect to a child in their care.

*These persons also have a right to be heard in any proceeding with respect to a child in their care.

*No such persons shall be made a party to the proceeding solely on the basis of this notice and right to be heard.

*The juvenile court shall ensure that the above notice is given.

§ 12-15-307; Rule 13(D), Ala.R.Juv.P.

Dependency Case Process (cont'd)

Permanency Plan Options:

- Return home on a specific date.
- Permanent relative placement w/ transfer of custody to relative.
- Permanent relative placement w/ DHR retaining custody.
- Adoption w/ current foster parent.
- Adoption w/ no identified resource.
- Adult custodial care.
- Another permanent planned living arrangement (APPLA),
- Kinship guardianship

§ 12-15-315(a).

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AL Kinship Guardianship Subsidy Act

*Established kinship guardianships for possible permanent placements for children in foster care. If a kinship guardian meets certain qualifications and is appointed by a juvenile court, it is intended to be a permanent arrangement, and the kinship guardian can receive federal foster care maintenance payments.

AL Kinship Guardianship Subsidy Act (cont'd)

*Amended § 12-15-314, the dispositions Section of the Dependency Article, to provide that DHR may file a written request with the juvenile court for appointment of a kinship guardian, which may be appointed by the court if the court finds that an individual caregiver is qualified, certain requirements are met, and the best interests of the child will be served.

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AL Kinship Guardianship Subsidy Act (cont'd)

*Amended § 12-15-315, the permanency hearing Section of the Dependency Article, to add a permanency plan option of kinship guardianship and, if this permanency plan option is chosen, to set out what the individualized service plan (ISP) must contain.

Dependency Case Process

Items for Court to Address at Permanency Hearing:

*Whether the DHR has made reasonable efforts to finalize any existing permanency plan for the child.

*Consult with the child, in an age-appropriate manner, regarding the permanency plan and any transition plan to independent living.

*In the case of a child who will not be returned home, consider in-state and out-of-state placement options.

*If the child has been placed in foster care outside the State of Alabama, determine whether the out-of-state placement continues to be appropriate and in the best interests of the child.

§§ 12-15-315(a) and (b).

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Termination of Parental Rights Process

Termination of Parental Rights:

*Filing of TPR petition by DHR, parent, agency, child, or other "interested person."

*Mandatory filing by DHR if child has been in foster care 12/22 months, abandoned, or no reasonable efforts reasons.

*3 Exceptions to Mandatory Filing:

*Relative is Caring for Child.

*Compelling Reason.

*DHR not provided services.

§ 12-15-317, as amended by Act 2013-157.

Termination of Parental Rights Process (cont'd)

Service and Trial:

Act 2013-157 – "The Best Interests of the Child Act of 2013"

*Amended § 12-15-318 to provide that if service of process has not been completed within 45 (formerly 90) days of the filing of the TPR petition, the petitioner shall request service by publication.

*Amended §12-15-320 to require completion of the trial on a TPR petition within 90 days after service of process has been perfected.

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Termination of Parental Rights – Jurisdiction in JUVENILE COURT

- Act 2014-350, effective April 8, 2014, amended § 12-15-114 to provide that the juvenile court shall have exclusive original jurisdiction over all actions for the termination of parental rights.
- Additionally, Section 2 of the Act provided that "It]he Legislature finds that its original intent in the adoption of Act 2008-277, the Alabama Juvenile Justice Act, was for a juvenile court to exercise exclusive original jurisdiction in all termination of parental rights proceedings. The amendatory language to Section 12-15-114, Code of Alabama 1975, provided in Section 1, is intended to be curative and shall apply retroactively for the purpose of ratifying and confirming the exercise of original jurisdiction of the juvenile court to hear and adjudicate termination of parental rights cases filed in juvenile court on and after January 1, 2009, and prior to the effective date of this act. Any order of a juvenile court issued while exercising jurisdiction pursuant to this section during that time shall be deemed valid in absence of an adjudication on appeal to the contrary."

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Termination of Parental Rights

TPR Hearings – given priority in scheduling over other nonjury trials – Rule 16(D), Alabama Rules of Judicial Administration; see also § 12-15-320(a).

Grounds for TPR - see § 12-15-319.

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Termination of Parental Rights (cont'd)

Dispositions in TPR Actions:

- *Permanent legal custody to DHR or public or private licensed child-placing agency.
- *Permanent legal custody to petitioner (formerly "relative or other individual").

§ 12-15-320(b).

Termination of Parental Rights (cont'd)

Orders — must be issued within 30 days of the trial – § 12-15-320(a); Rule 25(D), Ala.R.Juv.P.

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Appeals

Appeals from Juvenile Court Proceedings:

*General right to appeal – given precedence over all other business of the court - § 12-15-601.

*Appeals of dependency and TPR cases – priority over other cases except emergency matters - § 12-15-323.

*Notice of appeal must be filed within 14 days of "entry of order or judgment" date (entry into State Judicial Information System) — Rules 1(A) and 28(C), Ala.R.Juv.P.

*Where appeal is sent depends on "adequate record" determination by juvenile court judge or court reporter certification—Rules 28(A) and (B), Ala.R.Juv.P.

Section 12-15-117.1

Continuing jurisdiction of juvenile court to modify and enforce judgments.

- (a) The Legislature finds that it was its original intent in the adoption of the Alabama Juvenile Justice Act (Act 2008-277) for a juvenile court to retain continuing jurisdiction in all cases in its jurisdiction to the extent provided by law. Act 2012-383 is curative and shall apply retroactively to ratify and confirm the exercise of continuing jurisdiction of the juvenile court to modify and enforce a judgment in cases filed in juvenile court on or after January 1, 2009, and prior to May 14, 2012. Any order of a juvenile court issued while exercising jurisdiction pursuant to this subsection during this time shall be deemed valid.
- (b) Nothing in Act 2012-383 shall affect the jurisdiction of the circuit courts over any custody, visitation, or support issues, or enforcement or modification of the same issues, that a circuit court exercised in cases filed on or after January 1, 2009, and prior to May 14, 2012.

(Act 2012-383, p. 1011, §§2, 3.)

STATE OF ALABAMA DEPARTMENT OF HUMAN RESOURCES

Montgomery, Alabama

FAMILY SERVICES POLICY TRANSMITTAL.

TO:

COUNTY DIRECTORS OF HUMAN RESOURCES

FROM:

Paul J. Butler, Director

Family Services Division

RE:

Administrative Letter No. 7216

Use of the Social Worker Guide for Working With the Courts

TYPE TRANSMITTAL

Other

PROGRAM AREA

Foster Care/Permanency Planning

EFFECTIVE DATE

November 1, 2006

SUBJECT DESCRIPTION

To assist with prompt and early permanency planning for children in the care of the Department, counties are asked to begin to use the "Social Worker Guide for Working With the Courts" and forms created to assist in determining a child's relative resources at the earliest possible point in the case.

CC:

Commissioner

Approved:

Carolyn B. Lapsley

Deputy Commissioners

SDHR Legal

Deputy Commissioner For Children And Family Services

Ann Fontaine, HHS

Signature:

Family Services Management Team

Date:

Distribution:

Family And Children's Services Manual Holders

STATE OF ALABAMA DEPARTMENT OF HUMAN RESOURCES

Montgomery, Alabama

TO:

Directors, County Department of Human Resources

FROM:

Paul J. Butler, Director

Family Services Division

RE:

Use of "Social Worker Guide for Working With the Courts"

ACTION

REQUIRED:

1. Review with Family Service Staff.

2. Begin to use the attached forms immediately.

The Department of Human Resources, Family Services Division and the Administrative Office of Courts (AOC) are currently involved in discussions regarding expediting permanency hearings and TPR hearings to assist in the timely achievement of permanency for children in our care. The discussions involve our practice as well as court procedure. In anticipation of future DHR policy revision, we are sending county departments the attached document entitled "Social Worker Guide for Working With the Courts." Please review this document with your staff.

In order to locate relative resources and to have written information on relative resources of children in care Family Services and AOC developed the attached forms. We believe use of these will assist in the timely location of relatives to avoid court delays in permanency and TPR hearings. Effective immediately, please begin to use the attached forms: "Paternity Worksheet" (DHR-FCS-2189 for cases in which paternity is not established or is in question); "Relative Resource Identification" for mother and father (DHR-FCS 2190 & DHR-FCS 2191). These forms should be given to the parent/caretaker at the Initial seventy-two hour hearing, and should be completed by the dependency/adjudicatory hearing. Child welfare staff should be ready to assist in the preparation of these forms with familles. If the family does not cooperate in the completion of these forms, staff should seek the assistance of the court.

This administrative letter, the forms and the "Social Worker Guide..." can be accessed in Online Documents. To access the administrative letter, go to the Administrative Letters and Memoranda link. To access the forms, go to the Forms and Instructions/Foster Care link. The "Social Worker Guide..." can be accessed under Policy/Foster Care. At this time, we will not print the forms. County Departments must print the forms from the Online Documents and make copies.

If you have any questions, or comments, please contact Susan Sorrells, (334) 242-9500.

PJB

Attachments

CC: Commissioner
Deputy Commissioners
Legal Office
District Administrative Specialists
Family Services Management Staff
Policy, Planning and Research
Ann Fontaine, HHS/ACF, Atlanta Regional

STATE OF ALABAMA DEPARTMENT OF HUMAN RESOURCES

Montgomery, Alabama

FAMILY SERVICES POLICY TRANSMITTAL

TO:

COUNTY DIRECTORS OF HUMAN RESOURCES

FROM:

Paul J. Butler, Director Family Services Division

RE:

Administrative Letter 7216a

"Social Worker Guide For Working With The Courts" Revised "Relative Resource Identification" Forms

TYPE TRANSMITTAL

Revised Policy and Forms

PROGRAM AREA

Foster Care

EFFECTIVE DATE

November 1, 2007

SUBJECT DESCRIPTION

In October 2006 the "Social Worker Guide For Working With the Courts" was released along with forms for identifying relative resources. The forms for identifying relative resources early in the process of completing a family assessment have been revised to capture a child's Indian heritage and possible membership in an Indian tribe.

CC:

Commissioner

Deputy Commissioners

SDHR Legal

District Administrative Specialists

Family Services Managers

Policy, Planning and Research

Approved:

Carolyn B. Lapsley Deputy Commissioner Children And Family

Services

Signature:

Date:

Distribution:

Family And Children's Services Manual Holders

STATE OF ALABAMA **DEPARTMENT OF HUMAN RESOURCES**

Montgomery, Alabama

TO:

COUNTY DIRECTORS OF HUMAN RESOURCES

FROM:

Paul J. Butler, Director Family Services Division

RE:

Relative Resource Identification Forms (Mother and Father)

DHR-FCS-2190 and DHR-FCS-2191

ACTION

REQUIRED:

1. Share with family services staff who work with foster care children;

Begin to immediately use the revised forms that capture whether a 2. child may a member of an Indian tribe or eligible for membership in an Indian tribe:

File this letter with Permanency and Concurrent Planning Policy. 3.

The recently released Indian Child Welfare Act Policy and Procedures recognized the need to identify early in the assessment process whether children may be members of federally recognized Indian tribes or eligible for membership. To assist county workers to obtain this information early in their work with families, the two forms used to obtain relative information from parents or care givers at the adjudication hearing have been revised. (Refer to Administrative Letter 7216). The "Relative Resource Identification" forms now have a question for parents and caregivers to answer on the Indian tribal membership of a child entering care.

Changes have been made to the forms in Online Documents. This letter is available in Online Documents/Family Services/Administrative Letters and Memoranda. A copy of the letter and the revised forms will be sent to all Family and Children's Services Manual holders when printing is complete.

Please direct questions or comments to Margaret Livingston, Office of Child Welfare Policy at (334) 242-9500 or you may email questions to "CW Policy Intake" in your Global Address list.

PJB:ML

Attachments

Cc:

Commissioner

Deputy Commissioners

SDHR Legal

District Administrative Specialists

Family Services Managers

Policy, Planning and Research

Distribution: Family and Children's Service Manual Holders

DEPARTMENT OF HUMAN RESOURCES SOCIAL WORKER GUIDE FOR WORKING WITH THE COURTS

This guide was developed to assist DHR child welfare staff in understanding how they may work with the juvenile or family courts and judges in their counties to achieve safety and permanency for dependent children in a more timely manner. Child welfare staff whose work involves the court may use this guide to track completion of listed tasks. It is recognized that each juvenile or family court in the state operates differently, but all have the same basic conceptual framework.

FILING OF DEPENDENCY PETITION

Allegations of dependency MUST address BOTH parents

The Department is required to pursue child support for children in care making it crucial that information on the status and whereabouts of BOTH parents be addressed in the dependency petition. Because of emergency circumstances, child welfare staff may be unable to ascertain the identity, status, or whereabouts of a non-custodial parent, generally a legal or putative/alleged father. If child welfare staff is unable to immediately verify the legal status of a father by the filing of the dependency petition, they should contact the county Child Support Enforcement Unit (CSE) to determine if there is a legal father or if an alleged father has been named. It is preferable that contact with CSE be made prior to the 72-hour hearing, but no later than the date of the permanency hearing or the next court setting. The dependency petition shall allege dependency as to BOTH parents stating the rationale for each parent causing the dependency of the child. If appropriate, the dependency petition should include allegations that the Department has no information that a legal father has ever been established or that the whereabouts of a legal father are unknown.

____ Identify the father

Preferably, child welfare staff should identify the father or determine the legal status of a father prior to the 72-hour -hearing. Efforts must be made to address the status of the father by the permanency hearing or the next court setting. Parties who should be notified of the filing of a dependency petition include the parent's whose parental rights have not been terminated, including putative fathers. [Code of Alabama 1975, §26-17-5 — Ex parte Presse, 552 So. 2d406, 432 (Ala. 1989]. Child welfare staff may use the following strategies to determine the status of the father.

 Obtain a copy of the child's birth certificate. The person listed on the birth certificate is not always the legal father. Therefore, always contact the county CSE Unit to determine whether the Department has identified and/or located alleged or putative fathers.

- Ascertain whether the alleged father signed an Affidavit of Paternity and, if possible, obtain a copy through the Department of Public Health, Vital Statistics.
- If the child was born after January 1, 1997, check the Putative Father Registry. (Refer to Adoption Policies and Procedures, Termination of Parental Rights, Section II (D) (2) for information on accessing the Putative Father Registry).
- Assist the mother in completing the Paternity Worksheet by the 72-hour hearing and no later than the permanency hearing or the next court setting. (See this appendix for Paternity Worksheet).

Provide clerk of the court with mailing addresses for parties

If known, child welfare staff should provide the clerk of the court with mailing addresses of the parties in the case: parents (including putative fathers), assigned DHR social worker, guardian ad litem, and legal custodians if other than parent, and the DHR attorney. These individuals should be provided proper notice of court proceedings. It is the responsibility of the court clerk to notify the parties.

In order to prevent delays in permanency for a child, each county DHR should work with the county clerk of the court to assure that mailing addresses for parties are updated. The clerk of the court can determine how best to assure that the court's computer is updated and that all mailings, notices, subpoenas are sent to the most current mailing address. Updated addresses provided in court reports are insufficient to update the court's computer.

Parties in the Military: The Service Members Civil Relief Act provides for parties deployed in one or more of the United States Armed Forces to have certain rights to be represented in dependency or other types of cases before the court. Questions concerning the application of the Act or parties deployed in the service of the United States Armed Forces are directed to the DHR attorney.

Dependency Petitions Must Address

- issues related to the danger, safety, and/or health of the child;
- whether a safety plan was in place prior to the filing of the dependency petition;
- services provided by DHR sufficient to demonstrate reasonable efforts, if any; and
- emergency circumstances relating to safety of the child that cause DHR to be unable to make reasonable efforts to prevent removal.

The dependency petition should state FACTS and OBSERVATIONS. Child welfare staff may be asked to testify and provide professional opinions and conclusions based on the facts and observations stated in the petition.

Pre-Adjudication Removal (Pick-Up) Order

The pick-up order MUST contain this language: "Continuing placement of the child in the home is contrary to the welfare of the child. Further, it is in the best interest of the child to be removed from the home." Most pick-up orders are standard form orders and will have this language in the order. This language is required for federal foster care assistance.

State of Alabama law permits the removal of a child without a pick-up order (summary removal); however, law enforcement practices vary from county to county. Some law enforcement agencies will not pick up a child or accompany the DHR child welfare worker to pick up a child without a written pick up order. In some counties, law enforcement agencies pick up children without a pick up order and without DHR being present and deliver the child(ren) to the juvenile or family court. County Departments should work with the local juvenile intake office and with local law enforcement agencies and become familiar with local procedures.

If the child to be removed is a Native American Child, contact the DHR attorney for specific policy on the Indian Child Welfare Act.

____ Child Custody Affidavit

A child custody affidavit must be filed with the dependency petition. Some countles will include the child custody affidavit in the intake form. This form will be provided by the juvenile court in each county.

Scheduling of Court Case

Child Welfare staff should become familiar with the local juvenile or family court judge's procedures regarding the following:

- The appointment of attorney's for parents;
- The appointment of a guardian ad litem;
- The scheduling of 72-hour hearings; and
- Notification of dates and times of 72-hour hearings to parties and attorneys.

___ Shelter Care/72-Hour Hearing

There must be a hearing within 72 hours (holidays and weekends included) of a pick up order issued as a result of a dependency petition. The child welfare worker appearing at the 72-hour hearing shall be prepared to present evidence and testimony in support of the Department's claim that the child(ren) needs to

remain in the Department's care and not be returned to the parents because of identifiable safety issues. The child welfare worker should be prepared to testify about the following:

- How the circumstances warranted emergency removal;
- What reasonable efforts, if any, were made to prevent removal; or
- What emergency circumstances existed preventing the Department from making reasonable efforts prior to removal.

Hearsay is admissible at a 72-hour hearing. Evidence presented at the 72-hour hearing is not evidence presented at the adjudicatory hearing.

Child welfare staff are to be aware of the status (active or inactive) of all the family's DHR records, including service records (CA/N records, ongoing protective service records, foster care records), food stamp, family assistance and child support.

____ Potential Relative Resources

Permanent plans for children begin when children enter care. Therefore, child welfare workers should be prepared to report on known potential relative resources at the 72-hour hearing. It is preferable to obtain parents' cooperation in providing the Department with all known potential relative resources at the 72-hour hearing, should the child(ren) not be returned to the parents at the 72-hour hearing. A "Relative Resource Identification Form" for the father and mother is located in this Appendix. If parents are reluctant to provide information on known relatives, the worker should seek assistance from the parents' attorney, guardian ad litem, or the court. Should parents be unwilling to provide known potential relative resources, the court may order the parents to complete the "Relative Resource Identification Form." If information from this form is not available at the 72-hour hearing, it should be complete by the adjudicatory hearing or in certain cases by the 30-day permanency hearing.

___ Court Reports

Each jurisdiction is unique and operates differently. In accordance with policy, court reports are required at adjudicatory hearings, six-month judicial reviews and prior to all permanency hearings. Child welfare staff will need to work with their local juvenile court to establish a procedure for providing the court, attorneys and other parties with periodic court reports. Some jurisdictions will elect to serve the parties with a copy of the court order, while other jurisdictions may request the Department to provide copies to all parties.

Court reports have no set format, but should include the following if applicable:

- Name(s) of child(ren) and date(s) of birth of child(ren);
- JU case number and DHR case number;
- Current address of mother (street and mailing addresses);
- Current address of father (street and mailing addresses);
- Legal status of father (i. e., child(ren) born of marriage, paternity established, putative father);
- Child(ren) last resided with parent on
- Child(ren)'s custody placed with DHR on (List separately placements through a Voluntary Placement Agreement).
- Child(ren)'s current placement(s): Number of months child(ren) has been out of home in the past 22 months;
- Events necessitating placement with DHR;
- Past efforts made by DHR to prevent removal/reunite child(ren) with parent;
- Current efforts made by DHR to prevent removal/reunite child with parent;
- Efforts of the parents to avail themselves of services provided by DHR;
- Child support information (include information regarding DHR child support case and child support court case);
- Current condition of child(ren);
- Any information on child abuse/neglect recurrences or incidents of child abuse/neglect in foster care;
- Any information on foster care re-entries within 12 months of discharge from a prior episode;
- Documentation of visitation plans that have been incorporated into the ISP when working toward the goal of reunification or relative placement;
- Any information regarding foster children who may receive independent living services;
- Any information on children in foster care 12 months or less who have been placed in more than two placement settings;
- Permanency plan for the child(ren). Check one:

() Return Home on a Specific Date;

Permanent Relative Placement with Transfer of Custody to the

Relative;

) Permanent Relative Placement with DHR Retaining Custody;

) Adoption by Current Foster Parent;) Adoption with No Identified Resource;

) Another Planned Permanent Living Arrangement (APPLA);

() Adult Custodial Care

If termination of parental rights is used to achieve a permanency option, provide statement "Termination of Parental Rights (TPR) Necessary to Achieve Permanency Plan."

If an exception applies and TPR will not be pursued check one of the following: () Relative Placement () Services Not Provided () Compelling Reason
Detail reasons for the permanency plans (s), including permanency as a result of TPR & TPR petition filing exception; Certificate of Service providing all parties, including attorneys, a copy of the court report as well as attached exhibits (Court may do this);
Notification to approved relatives, pre-adoptive parents, or foster parents of notice of the hearing and opportunity to be heard (Court may do this). This should be done 72 hours prior to the court hearing, except for 72-hour hearing.

Court Hearings (Adjudication/Permanency)

Child welfare staff is responsible for providing the clerk of the court appropriate names and mailing addresses of all parties. If a putative father has not been identified by the 72-hour hearing, his identity/whereabouts should be addressed at the permanency hearing.

PATERNITY WORKSHEET

Child's	s Name:
Child's	s Date of Birth:
	er's Name:
1.	Was the mother married at the time of child's birth? YES NO If "YES," complete the information below. This is the child's LEGAL father.
	Name:
	Home Address:
	City, State, Zip:
	Telephone Number:
	Business Address:
	Business Telephone Number:
2,	If the answer to 1, above is "NO," was the mother married at any time during the 300 days prior to the child's birth? YES NO If "YES," complete the information below. This is the child's LEGAL father.
	Name:
	Home Address:
I	City, State, Zip:
	Telephone Number:
	Business Address:
	Business Telephone Number:
3.	If both questions 1. <u>and</u> 2. above are answered "NO," did anyone acknowledge paternity at the time of the child's birth through an Affidavit of Paternity? YES NO If "YES," complete the information below. This is the child's LEGAL father.
	Name:
	Home Address:
	City, State, Zip:
	Telephone Number:
	Business Address:
	Business Telephone Number:

PATERNITY WORKSHEET

4.	If all of the above $(1-3)$ are answered "NO," is anyone listed as the father on the child's birth certificate? \square YES \square NO If "YES," complete the information below.
	Name:
	Home Address:
	City, State, Zip:
	Telephone Number:
	Business Address:
	Business Telephone Number:
5.	If all of the above (1 – 4) are answered "NO," who do you believe is the child's biological father?
	Name:
	Home Address:
	City, State, Zip:
	Telephone Number:
	Business Address:
	Business Telephone Number:
Mothe	er's Signature
Date	
NOTA	ARIZATION
Sworr	n to and Subscribed before me this
	day of, 20
NOTA	ARY PUBLIC
WITN	ESS SIGNATURE (if notary is unavailable)
Date	

RELATIVE RESOURCE IDENTIFICATION FATHER'S RELATIVES

	the undersigned parent(s) of
	(child's name)
am/e	re providing the following names to the County
place deter such	intment of Human Resources as known potential relative resources for the possible ment of my/our child. I/We understand that these individuals will be contacted to mine if they are willing and able to serve as a placement resource for my/our child until time as my/our child may be reunified with me/us, and I/we give my/our permission to the
child has chec place	ty DHR to make contact with individuals for that purpose. I/We understand that my/our will not be placed with any such individual named herein until such time as the individual been subjected to an appropriate criminal background check, DHR child abuse/neglect court, DHR child protective services check, and home study. I/We further understand that such the may require court approval. Finally, I/we agree that I/we will provide information on additional relative resources as soon as we have such information.
are r mem	ederal Indian Child Welfare Act requires that states identify whether children and families nembers or eligible to become members of certain Indian tribes. Are you, the father, a ber or eligible for membership in an Indian tribe?YESNO. If yes, please
provi	de the name of the tribe:
	·
(1)	Name;
(1)	Name:Relationship:
(1)	Relationship:
(1)	Relationship:Address:
(1)	Relationship:Address:City, State, Zip:
	Relationship:Address:City, State, Zip:Phone:
(1)	Relationship: Address: City, State, Zip: Phone: Name:
	Relationship:Address:City, State, Zip:Phone:
	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address:
	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address: City, State, Zip:
(2)	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address: City, State, Zip: Phone:
(2)	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address: City, State, Zip: Phone:
(2)	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address: City, State, Zip: Phone: Phone: Relationship:
	Relationship: Address: City, State, Zip: Phone: Name: Relationship: Address: City, State, Zip: Phone:

RELATIVE RESOURCE IDENTIFICATION FATHER'S RELATIVES

(4)	Name:	
	City, State, Zip:	
	Phone:	
(5)	•	
	Relationship:	
	City, State, Zip:	
	Phone:	
(6)		
	Relationship:	
	Address:	
(7)		
	Relationship:	
	Address:	
(8)	Name:	·
	Relationship:	
	Address:	
	Phone:	
Faths	er's Signature	D. L.
		Date

RELATIVE RESOURCE IDENTIFICATION MOTHER'S RELATIVES

l/We	he undersigned parent(s) of
	(child's name)
place deter such Cour child has chec place	providing the following names to the
are r mem	derai Indian Child Welfare Act requires that states identify whether children and families ambers or eligible to become members of certain Indian tribes. Are you, the mother, a er or eligible for membership in an Indian tribe?YESNO. If yes, please the name of the tribe:
(1)	Name:
(- /	
	Relationship:Address:
	City, State, Zip:
	Phone:
(2)	Name:
` ,	Relationship:
	Address:
	City, State, Zip:
	Phone:
(3)	Name:
. ,	Relationship:
	Address:
	City, State, Zip:
	Phone:

40

RELATIVE RESOURCE IDENTIFICATION MOTHER'S RELATIVES

(4)	Name:		•
	Relationship:		
	Address:	· .	
	City, State, Zip:		
	Phone;		
(5)	Name:		
	Relationship:		
٠	Address:		
	City, State, Zip:		
	Phone:		
(6)	Name:		
	Relationship:		
	Address:		
	City, State, Zip:		
	Phone:		·
(7)	Name:		
	Relationship:		
	Address:	<u> </u>	
	City, State, Zip:		
	Phone:		
(8)	Name:		
	Relationship:		
	Address:		
	City, State, Zip:		
	Phone:	· ·	
•			,
Moth	er's Signature		
MOUN	or o organiculo	Dat	θ

SUMMARY OF HEARINGS FOR CHILDREN IN FOSTER CARE IN ALABAMA

DEPENDENCY PETITION SHELTER CARE HEARING must be held within 72 hours of removal of child § 12-15-308(a) ADJUDICATORY HEARING no time frame set by statute or rule § 12-15-310 DISPOSITIONAL HEARING no time frame set by statute or rule § 12-15-311

JUDICIAL REVIEW

must be held within six months of removal of child and every six months thereafter

PERMANENCY HEARING

must be held within 12 months of removal of the child from the home and placed in out-of-home care and not less frequently than every 12 months thereafter while child is in foster care § 12-15-315(a)

TERMINATION OF PARENTAL RIGHTS § 12-15-319

ADOPTION Probate Court § 26-10A-1, et seq.

State of Alabama Unified Judiolal System	COMPLAINT		Court Case Number
Form JU-2 Rev.6/13	(Affidavit)		
The state of the s	JUVENILE COURT OF C	OUNTY ALABAMA	1
IN THE MATTER OF A CHILD:			יאַאַ
Address:		Phone:	
Date of Birth: He	elght; Welght: Eyes;	Hair;	
	WO1001,	Grade	
t-ather;	Home Phone:	Work Phone;	
Address:	TOTAL TOTAL	Alt. Phone:	
Mother:	Home Phone	Mr. of pt	
Address;	*	Alf Dhana	
Lives with:	Relationship:	Home Phone:	:
Address:		Alter Manager	
Legal Guardian;	Relationship;	Home Phone:	
Address:		Alt Phone:	
1 magaal Malandii ol Hididolig		Date of Occurrence:	
Place of Occurrence:	pendency Child in Need of Supervision (CHINS		
Documents attached and incorp incident/Offense Report Additional Pages Facts of Violation/Incident: (For approximate value of property taken/d abuse, neglect or inadequate care sufficiently of the person responsible custody, if applicable.)	Agency Coorated Into this Complaint by reference: (chec Supplemental I/O Report Arrest Report Other: (describe) or a definquency or CHING complaint, include the date, ilm lamaged/recoived, and description of the specific offense of fered by the child, the place of the abuse or neglect or inade for the abuse, neglect or inadequate care of the child. State	ase Number:	plaint (UTTC) Ind ages, victim information, Incy complaint, identify the
Complainants Name: (printed)		Phone;	
Address or Agency:			
that they are true.	nowledge of the facts set forth in this Comp		
Complainant's Signature:		Date:	
SWORN TO AND SUBSCRIBE	D BEFORE ME;		<u> </u>
Ala.R. Juv.P.	Date Signalu TO BE COMPLETED BY INTAKE OFFICER on provided above and determined that subject in provided above and determined that subject in provided above and determined that subject in sufficient to warrant the receipt of this complain	complaint as provided	venue for in Rule12,
	was a secretary run receibr of ruit combision	cas provided for in Rul	⊵ 12, Ala,R,Juv,p,
Complaint Denied/Received:	Pada		
ACTION TAKEN:	Date Time Signature of Juvenile	Court Intake Officer	
Rule 12, Ala.R.Juv.P.: Ala. Code 1975. 9	66 12-1 E-140(4) 42 4E 420 (-)		

State of Alubanan Untiled Judicial System Form JU-6 Rev.06/13	PETITION Court Case Number	
IN THE JUVENILE (OURT OFCOUNTY, ALABAMA	
In the Matter of	Name of County) , a child. Date of Birth or Age:	
Child's Residence Address:	" Value Date VI pilet VI right	
Child's Father:	Residence	
	There's and	
Child's Mother:		
Child's Legal Guardian(s) Or Legal Custodian(s):	Keshience	
Other Adult Relative	Residence	
(If required by law);	ANDIOUS	
Petitioner:	Address	
The child is alleged to be DELI rehabilitation or supervision for the alle Ala. Code 1975, Section	NQUENT DEPENDENT IN NEED OF SUPERVISION and in need of care, gation of	~
,		
·		
(If applicable) The child was taken into co	stody and placed into detention at	
onat		
I, being 18 years or older, swear or affirm that Date: SWORN TO AND SUBSCRIBED BEFO Date:	have knowledge of the facts alleged or am informed of these facts and believe that they are true. Petitioner's Signature: RE ME: Invenile Court Intake Officer or Notary Public:	
A PARENT, LEGAL GUARDIAN, OR LEGAL OF SUPERVISION CASE PURSUANT TO AL ATTORNEY FEES, TO PAY FOR EVALUAT CARE SUPPORT, AND SUPERVISION OF	CUSTODIAN OF THE CHILD CAN HE MADE A PARTY TO THE DELINQUENCY OR CHILD IN NEE A. CODE 1975, §12-15-113. A PERSON MADE A PARTY TO THIS CASE MAY BE REQUIRED TO PAT ION AND TREATMENT, TO PAY FINES, COURT COSTS, AND RESTITUTION, AND TO PAY FOR HE CHILD. A PERSON MADE A PARTY MAY BE SUBJECT TO OTHER ORDERS ALSO. FAILURE JRT CAN RESULT IN CONTEMPT PROCEEDINGS, AND FAILURE TO MAKE PAYMENTS ORDERS RTHE COLLECTION OF THE PLAYMENTS ORDERED.	Y

Ala,Code 1976, §§ 12-15-120(a); 12-15-121; Rule 12, Ala,R.Juv.P.

COURT RECORD: (Original)

PARENT/LEGAL GUARDIAN/LEGAL CUSTODIAN: (Copy) D.H.R. or D.A.: (Copy) G.A.L. or Afformey; (Copy)

Signature of the Juvenile Court Intake Officer:

CHILD: (Copy)

State of Alabama Unified Judicial System

JUVENILE COURT INTAKE OFFICER'S ENDORSEMENT ON A PETITION

Rev. 6/13	
In the M I certify that I Code 1975, § 12 M., and, a iotion, venue and	(Name of Child) have been duly designated an Intake Officer of the Court according to 15-102(11). Based on a verified complaint which was received on alleged, contained legally sufficient information to establish subject-matter probable cause, I have determined that the filling of the petition is in the best interests
	(Signature of Juvenile Court Intake Officer)
ode 1975, § 12-	5-102(11); Rule 12, Ala,R.Juv.P.
	In The Juvin In the Ma I certify that I Code 1975, § 12. M., and, as otion, venue and public and/or the

State of Alabama Unified Judicial System Page 1 of 2

CHILD CUSTODY PROCEEDING AFFIDAVIT

Court Case Number

JU-23 Rev. 7/2016

IN THE(Circuit, District or Probate)	COURT OF COUNTY, ALABAMA
	(Name of County)
[Check one of the following boxes]:	
In the matter of	, a child
In the matter of the Adoption P	etition of [Full Name(s) and Age(s) of Petitioner(s) and
His/Her/Their Residence Address(e	s), Including City(ies) or Town(s), State(s), and Zip Code(s)]:
	v.
Plaintiff	Defendant
Before me, the undersigned author	ity, personally appeared
who first by me being duly sworn, o	on oath, provides the following: (Name of Afficiant)
Child's present address or whereal	bouts:
	n the past five years:
Name(s) and present address(es) o	of the person(s) with whom the child has lived in the past
5 years:	
Name:	Name:
Address:	Address:
Name:	Name:
Address:	Name:Address:
I have participated as a party or concerning this child.	rwitness in the following custody or visitation proceeding(s)
-	r witness, the court in which the case was filed, the case
number, and the date of the custod	ly determination]:
Party Witness	Party Witness
Name of Court:	Name of Court:
Case Number:	Case Number:
Date of Custody Det.:	Date of Custody Det.:
Party Witness	Party Witness
Name of Court:	Name of Court:
Case Number:	Case Number:
Date of Custody Det.:	Date of Custody Det.:
Ala.Code 1975, § 12-15-121(a)	17
	11/1/)

State of Alabama Unified Judicial System Page 2 of 2

JU-23 Rev. 7/2016

CHILD CUSTODY PROCEEDING AFFIDAVIT

Type of Case:	Tuno of Coop
Type of Case:	Type of Case:
Case Number:	Court:Case Number:
ype of Case:	Type of Case:
Court:	Court:
ase Number:	Case Number:
lame:ddress:	Name:Address;
lame:	n(s) who have physical custody of the child o Name: Address:
lame:	Name:Address:
Name:Address:	Name:Address:
Name:Address:	Name:Address;
Name:	Name:Address:
lame:	Name:Address:

State of Alabama Unified Judicial System	MVE	NILE COURT SUMMONS	Court Case Number
Form JU-8 Rev. 5/2017	7 % 7 %		
IN THE JUVENILE COURT OF		Name of County	COUNTY, ALABAMA
in the Matter of		Name of County	achild
MOTICE TO:	**************************************	Name of Child	
89 W 88 W 3000 B W 1	Name	Address	ranta ka ana manana ana ana ana ana ana ana ana
PARENTAL RIGHTS HAS BEE PETITION IS ATTACHED TO 1	EN FILED IN THIS C THIS SUMMONS. E THE COURT AT T	O OF SUPERVISION, OR DEPENDENCY, OR TER COURT CONCERNING THE ABOVE-NAMED CHIL HE DATE, TIME, AND PLACE BELOW TO ANSW	.D. A COPY OF THAT
	Date:	COMMON THE CONTROL OF	
	Time:	AM/PM	
	Room:		
	Address:		
	300000000		
	all designations of the second se		
Date	· · · · · · · · · · · · · · · · · · ·	Signature of Clerk	ments and the contraction of the service and service and service of the service and the contraction of the service and the ser
PETITION ALLEGIN You, the parent, legal named child, must ap answer or testify as t guardian, or legal cus pursuant to Ala. Code	G DELINQUEN custodian, or o pear and bring to the allegation todian, are here 1975, §12-15-1	IAN, OR LEGAL CUSTODIAN (CONCICY, IN NEED OF SUPERVISION, OR ther legal custodian, having custody of the above-named child before the cours in the attached petition. Also, you, as ply notified that you may be made a part 13 and Rule 31, Alabama Rules of Juve unable to afford one. Please notify the	DEPENDENCY ONLY) r control of the above- t at the time fixed to s the parent, legal rty to this proceeding enile Procedure, and
TO ANY LAW ENFORCEMENT You are ordered to serve		ER AUTHORIZED PERSON:	h person named above.
19ate		Signature of Clerk	
I certify that I personally served	a copy of this summe	ons and petition on	

COURT RECORD: (Original)

Ala. Code 1975, § 12-15-122; Rule 13, Ala.R.Juv.P.

Name(s) and Date of Service

Signature of Server

•		
•		
State of Alabama Unified Judicial System Form JU-7 B Rev. 08/11	JUVENILE PICK-UP ORDER	Case Number
		1.
IN THE JUVENILE COURT O	(Name of County)	COUNTY, ALABAMA
In the Matter of	(Nume of Country)	, a child
Part I	LAW ENFORCEMENT OFFICER	
TO ANY LAW ENFORCEMEN	T OFFICER OF THE STATE OF ALABAMA OR AN	V ΔΗΤΗΛΟΙΖΕΌ ΦΕΡΩΛΑ.
shelter or other care, the court find	sented to the juvenile court that the above-named child need is the following:	ds to be placed in detention or
The child has no parent, legal g	guardian, legal custodian, or other suitable person able to pro-	ovide supervision and care for the
child.		
and where the child is alleged t	present a clear and substantial threat of a serious nature to the	he person or property of others
The release of the child would	present a serious threat of substantial harm to the child.	
The child has a history of failing	g to appear for hearings before the juvenile court.	
The child is alleged to be deline	quent for possessing a pistol, short-barreled rifle, or short-ba	arreled shotgun.
	,	
FOR DEPENDENCY CASES	SONLY	
	ove-named child in his or her home would be contrary to th	
Ye in modern datase discretification of		
for placement/admission.	ten into immediate oustody and delivered to	ntion/Shelter of Other Care Facility)
to play of the first of the fir	. (Trune of Deser	mionionener of Other Care Facility)
Date	Judge	
	PARENT/LEGAL GUARDIAN/LEGAL CUSTODI.	AN
To question this Order, you mus	t appear at the hearing to be held at	
	at (time) date and time to be determined (yo	u will be notified).
Part III Sex Ruce DOR	DESCRIPTION OF CHILD	
Sex Race DOE Height Weight Hair	O Eyes Marks	
Address	17100.130	1

Height Weight Hair Marks

Address

Part IV OFFICER / AUTHORIZED PERSON
I certify that I have executed this Order by placing the above-named child in custody as ordered, and that I have delivered a copy to of this Order to:

(Name of Detention/Shelter of Other Care Facility)

Date Officer / Authorized Person

Part V CUSTODY RECEIPT
I certify that I have received custody of the above-named child.

Signature of Person Receiving Custody

Ala. Code 1975, §§12-15-125(a)(1); 12-15-126; 12-15-128; 12-15-312(a)(1)

State of Alabama Unified Judicial System JU-24 Sample (Front) 10/11	ORDER OF SHELTER CAR	Case Number	
IN THE JUVENILE OR FAMILY COURT OF COUNTY, ALABAMA (Name of County) In the Matter of, a child On, a shelter care hearing was held. (date)			
Note: Check which parties and attornand check whether or not the attorn	corneys or others who were present at the hearing, neys were appointed or retained:	, place their names in the blanks,	
☐ Mother ☐ Father (If known) ☐ Custodian ☐ Other ☐ Foster parents The Court, having considered the [presented, the Court finds in accordand Ala. Code 1975, §12-15-312 as ☐ 1. That continuation of the resibecause: After reviewing the attachetestimony of the parties, I incorporative for the continuation of the attachetestimony of the parties, I incorporative for the continuation of the attachetestimony of the parties, I incorporative for the continuation of the attachetestimony of the parties, I incorporative for the continuation of the attachetestimony of the parties, I incorporative for the continuation of the attachetestimony of the parties, I incorporative for the continuation of the continuation of the attachetestimony of the parties, I incorporative for the continuation of the continuation of the attachetestimony of the parties, I incorporative for the continuation of the continuation of the attachetestimony of the parties, I incorporative for the continuation of t	Attorney Attorney Attorney Attorney agreement stipulation of facts relation relation requirements of Public Law 96-27 s follows [CHECK WHICH BOXES ARE API sidence of the child in his or her home would be contained.	Appt Rtnd Appt Appt Rtnd Appt Appt Appt Rtnd Appt Appt Appt Appt Appt Appt Appt Appt	
were were not real ways the the testimony of the parties, I incorporate After reviewing the at the testimony of the parties, I incorporate After reviewing the at	tate reasons why the child was removed from the end of the child was removed of the child was onable. The Department's efforts consisted of tached Department's written court report dated porate into this Order the efforts described in the tached Department's written court report dated he findings in the court report, as follows:	from his or her home: the following:	
nome and that under the conditions	on exists which requires the immediate temporary described in the Department's attached written cd/appropriate because of the emergency situation.	Court report dated	

Unified Judicial System	ORDER OF SHEL	TER CARE	Case Number
Form JU-24 Rev. 10/11 Back)			,
After reviewing the at	tached Department's written court report date corporated into this Order the efforts describ tached Department's written court report dated by the finds in the court report, as follows	ted , p.	and based on the
That reasonable effort is	s only need to be completed if these situation not required to be made because; s of the mother the father to	*****	, a sibling has been
child abuse or neglect is too I This court has de Code 1975, §13A-6-2, or child of the parent or the This court has de Code 1975, §13A-6-22, This court has de Code 1975, This court has de Code 1975, This court has de Code 1975, This court has de	termined that the mother the fat circumstance, specifically high for the child to remain at home safely cetermined that the mother the fat manslaughter pursuant to Ala. Code 197 me other parent of the child, as shown in Castermined that the mother the fat Assault 2 nd pursuant to Ala. Code 1975, §13 another child of such p	or to be returned home. other committed murder other committed, of, se No. other committed Assau 3A-6-23, which resulted in the	n, and the risk of pursuant to Ala. to another it 1st pursuant to Ala.
date.	g is scheduled to take place at		
The child is released conditions.	to custody of	pending trial under t	he attached terms and
Custody of the shill	d is transferred to the tracent having discretion in planning and pla	County Department of H cement pending an adjudicate	uman Resources, ory/disposition hearing
pendente lite. With the Departing days.			
pendente lite. With the Depar in days.	L child's attorney shall perform the fo	llowing duties:	
pendente lite. With the Departin days. That the GA	L child's attorney shall perform the fo	_	arties present.
pendente lite. With the Departing days. That the GA That the Department days. This matter is set if	ent shall schedule an Individualized Service for docket call onat	Plan (ISP) meeting with all pa	-
pendente lite. With the Departing days. That the GA That the Department	ent shall schedule an Individualized Service for docket call onat present.	Plan (ISP) meeting with all pa	-

Ala. Code 1975, §§ 12-15-207, 12-15-209, 12-15-308, 12-15-309, 12-15-312

(Date)

(JUDGE)

State of Alabama Unified Judicial System

ORDER OF ADJUDICATION OF DEPENDENCY/DISPOSITION

DEPENDENCY/DISPOSITION	

JU-25 Sample Rev. 6/2016	J7171 15111712			
IN THE JUV	VENILE COURT OF_	(Name of County)	_ COUNTY	, ALABAMA
In	the Matter of		, a ch	ild
	Date of adjudicatory h			
Note: Check which parties and				the highly and check whather
or not the attorneys appointed		torney		
Child	I I GAL		Ant	ot Dand
☐ DHR worker	LI Attorney		☐ Anr	nt □ Rtnd .
			I I Apt	ot. I I Rind.
☐ Father ☐ Custodian	L_Any/OAL		Ap	pt. Rtnd,
LI Other	l Attorney		T And	of The Description
Foster Parents	Attorney _		Apr	ot. Rtnd.
The Court having considered the ICHECK WHICH BOXES AT	ie 🗌 agreement 🔲 stipulation			
☐ 1. That continuation of the	residence of the child in his o	or her home would be co	ntrary to the we	elfare of the child because
 □ 1. That continuation of the residence of the child in his or her home would be contrary to the welfare of the child because: □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the findings in the court report. 				
2. That based on clear and convincing evidence, competent, material, and relevant in nature, the above-named child is dependent pursuant to § 12-15-102(8), Ala.Code 1975, based on the following facts:				
☐(a) That the efforts made by or her home ☐ were ☐	the Department to prevent the were not reasonable. The De	ne removal of the child fi partment's efforts consi	rom his sted of the follo	wing:
After reviewing the a parties, I incorporate	ttached Department's written into this Order the findings in	court report dated the court report.	, p, a	and based on the testimony of the
efforts were not require After reviewing the	ns described in the Departme ed/appropriate because of the	ent's attached written co emergency situation as in a court report dated	urt report dated follows:	child from his or her home and, p, reasonable, and based on the testimony of

JU-25 Sample (Back) Rev. 6/2016		FADJUDICATION OF ENCY/DISPOSITION	Court Case Number	
[Note: The following items				
	leed to be completed only if the			
ights of	ARE NOT REQUIRED to be reighted motherthe father to a sib	made because: pling have been involuntary terminated: her has subjected∏ the child or∏ a sibling ((1) 1)11.	
the risk of child abuse or	neglect is too high for the child	to remain at home safely or to be returned h	iome.	
uns court has determine	ant to \$ 13A-6-3. Ala Code 19	her committed murder pursuant to § 13A	-6-2, Ala.Code 1975, or	
the parent or the oth	er parent of the child, as shown	in Case No.	[] another child of	
this court has determine	d that □the mother □ the fath	her aided or abetted attempted conspired or	r solicited to commit	
imurder or imansi	aughter pursuant to § [3A-4	, Ala.Code 1975, of	another	
This court has determine	d that in the mother in the fath	s shown in Case Noer committed Assault 1 st pursuant to § 13	A 6 22 Ala Cada 1075	
[[Assault 2 pursuant to s) 13A-0-23, Ala.Code 19/5, wi	nich resulted in the serious bodily injury to the child of the parent, or the other parent of	he child or	
A permanency hearing is sched	uled to take place at	, which is within 3	0 days from today's date.	
It is hereby ORDERED, ADJU	DGED, and DECREED as folk	ows [CHECK WHICH BOXES ARE APPL	lCABLE]:	
Dismissed ☐ on Motion of Petition ☐ for Lack of Prosecution ☐ on Failure of proof ☐ Petition sustained ☐ Adjudicated Dependent. ☐ Custody transferred to ☐ ☐ ☐ County Department of Human Resources ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐				
Discretion in planning and pl	acement Placement with			
DFIR to supervise for	☐ Discretion in planning and placement ☐ Placement with ☐ DHR to supervise for ☐ Other			
		•		
The state of the s		1127		
Case to be set for:☐ Disposition☐ DHR relie	nal Review on: ved of making reasonable effor	(date) Permanency Flearing on: rts to reunite the parents with the child.	(date)	
Court Costs: Waived T	axed to	Prepaid Let execution		
* All dispostional alternatives	provided by § 12-15-314, Alu.C	Code 1975, will be available to the Court.		
Attorney Fees Amount				
taxe	d to	Recoupment by Recoupment by Recoupment by D	Waived Relieved	
taxe	d to	Recoupment by Recoupment by	Waived Relieved	
			waived Relieved	
	A.1			
The parties are hereby notified a into the State Judicial Informati	of their right to file a written no	otice of appeal within fourteen (14) days of t	his Order being entered	
See page 2 for additional term				
— see bage a lot anditional total	ns, conditions, and/or midnigs.	•		
DONE and ORDERED	71			
•	(date)	JUDGE		
§§ 12-15-310, 12-15-311, 12-1:	5-312, 12-15-314, Ala.Code 19	75		

State of Alabama Unified Judicial System JU-37 Sample (Front) Rev. 7/2016

PERMANENCY HEARING ORDER

[RETURN HOME ON A SPECIFIC DATE]

IN THE JUVENILE COURT OF	(Name of County)	
	(vario or county)	, a child
Child:	Date of Birth:	1900-1000-1000-100 to the total to the transport of the total total to the total total total total total total to the total to
	(date), a permanency hearing was held by the above court.	MANUFACTURE AND ASSESSMENT ASSESS
ACCOUNTS OF THE PROPERTY OF TH	APPEARANCES	
Note: Check which parties and/or attorneys:		
☐ Mother	☐ Guardian ad litem	
☐ Father ☐ *Child	 Department of Human Resources (Department) Casewort Department Attorney 	(er
☐ Mother's Attorney	☐ Department Attorney ☐**Paternal ☐Grandmother ☐Grandfather	
		specify)
□**Maternal □Grandmother	□**Maternal Other Relatives: (s □**Paternal Other Relatives: (s	specify)
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	□ **Foster Parents:(specify)
Federal law and state law (Section 12-15- child at each permanency hearing regard living. ☐ I have ensured this consult	-315(a), Ala.Code 1975) require age-appropriate consultation ling the permanency plan and/or any transition plan to indep ation with the child was given.	with the sendent
The control of these persons who are present, I have ensured that they have reconstruction of the court finds that [CHECK WHICH court finds that court finds that court finds that court finds that court finds the court finds that court finds the court finds the court finds that court finds the cou		nt are not
	following the placement of the above-named child into foster can	
parties, and/or after obtaining input fro child, I incorporate into this Order the I After reviewing the attached written coparties, and/or after obtaining input fro	ourt report dated, p, and based on the testimon m the foster parents, preadoptive parents, or relative caregivers Department's description of its efforts to reunify the family; ourt report dated, p, and based on the testimon m the foster parents, preadoptive parents, or relative caregivers iption of its efforts to reunify the family, as follows:	of the v of the
☐ 2. The conditions or circumstances leading return the child home because:	ng to the removal of the child have been corrected and it is now s	afe to
is now safe; After reviewing the attached Departme	ent's written court report dated p, and based or into this Order the Department's explanation why the child's return ent's written court report dated, p, and based or department's explanation why the child's returning home is now s	ning home n the
	d[name of the pare es the safety and appropriateness of the child's return home, as	nt to whom follows:
☐ After reviewing the attached Departme testimony of the parties, I ☐ incorporate in effect on the child; or ☐ incorporate in its recommendation that the child is to ☐ After reviewing the attached Departme testimony of the parties, I ☐ modify the	ent's written court report dated, p, and based on the into this Order the Department's description of recent visitation to this Order the Department's explanation why recent visitation be returned home; nt's written court report dated, p, and based or a Department's description of recent visitation and its effect on the why recent visitation supports its recommendation that the child	n the n and its supports n the e child; or
	54	

JU-37 Sample (Back)

Rev. 7/2016

PERMANENCY HEARING ORDER [RETURN HOME ON A SPECIFIC DATE]

			and the second section of the second	
□ 4.	needed to assist the	child in making the transit	as the Department continues supervision, the for ion to successful adulthood, as follows (Note: If a prvices are provided, leave this space blank):	llowing services are the child is less
	testimony of the participal plan to independent in needs to make the transfer after reviewing the action of the participal to independent in the participal plan to independent in the plan to independent i	ies, and after consulting w living, I incorporate into thi ansition to successful adu ttached Department's writt ies, and after consulting w	ten report dated, p, and ifth the child, in an age-appropriate manner, regains Order the Department's statement about the solution of; ten report dated, p, and with the child, in an age-appropriate manner, regains the child new ment's statement about the services the ser	arding the transition vervices the child based on the arding the transition
□ 5.	The Department has in its written court re	included information conc port dated	erning age or developmentally appropriate activ , p	ities for the child
T	IE COURT HEREBY OR	DERS THAT [CHECK WI	HICH BOXES ARE APPLICABLE]:	
☐ 1.	The child shall be ret [name of the parent]	urned to the physical and on(legal custody of(date).	Service of Charles and Control of the Control of Charles and Charl
□ 2.	The Department shall safe and nondisruptive [name of the parent].	e return of the child to	plan, including a plan of supervision and suppor	t, to ensure the
		olan mìght incorporate into s to date and page numbe	this Order or modify the Department's proposed er.	d plan with
□ 3.	The next hearing in this	case shall be a review he	earing and shall take place at [a.m.] (location of hearing).	☐ [p.m.] on
SI	GNED this			
		Date	Judge	
§§ 12-	-15-312 and 12-15-315, Ala	ı.Code 1975	55	

State of Alabama Unified Judicial System JU-36 Sample (Front – P. 1) Rev. 7/2016

PERMANENCY HEARING ORDER PERMANENT RELATIVE PLACEMENT WITH

(Check which one is applicable):

Transfer of Custody to the Relative

DHR Retaining Custody

IN THE HAVENUE OF FAMILY COURT OF		
IN THE JUVENILE OR FAMILY COURT OF _	(Name of County)	COUNTY, ALABAMA
In the Matter of		, a child
Child:	Date of Birth:	
On	(date), a permanency hearing was held by the	above court.
	APPEARANCES	
Note: Check which parties and/or attorneys Mother	Guardian ad litem Department of Human Resources (De Department Attorney **Paternal Grandmother **Maternal Other Relatives: **Paternal Other Relatives: **Foster Parents: 5-315(a), Ala.Code 1975) requires age-apparding the permanency plan and/or any tra	Grandfather(specify)(specify)(specify) propriate consultation with the
	e caring for the child under the responsib	oility of the Department are
THE COURT FINDS THAT [CHECK WHICH	H BOXES ARE APPLICABLE] :	
1. Efforts made by the Department, follows: not reasonable to finalize the existing above-named child, as follows:	wing placement of the above-named child int permanency plan of	to foster care, ☐ were ☐ were for the
parties, and/or after obtaining input fro child, I incorporate into this Order the to arrange and to finalize a new perma After reviewing the attached written co parties, and/or after obtaining input fro	ourt report dated, p, and be orn the foster parents, preadoptive parents, o Department's description of its efforts to reur anent home described in the court report; ourt report dated, p, and be orn the foster parents, preadoptive parents, o ription of its efforts to reunify the family and, i ibed in the court report; as follows:	r relative caregivers of the nify the family and, if applicable, ased on the testimony of the r relative caregivers of the
the testimony of the parties, I incorpor returning home would be dangerous c ☐After reviewing the attached Departme	ent's written court report dated rate into this Order the Department's explana or harmful to the child or is otherwise impracti ent's written court report dated he Department's explanation in its court repo	tion in its court report why ical;, p , and based on
termination of parental rights would no	ent's written court report dated rate into this Order the Department's explana of benefit the child; ent's written court report dated	
	5 b	

JU-36 SampleRev. 7/2016 (Back P. 1)

Court Case Number

PERMANENCY HEARING ORDER
PERMANENT RELATIVE PLACEMENT WITH
(Check which one is applicable):

Transfer of Custody to the Relative DHR Retaining Custody

☐ 4. It is not in the best interests of the child to permanently place the child with an individual or couple serving as permanent custodians or permanent guardians because:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians as follows:
5. The relatives who are foster parents are fully capable of and committed to permanently caring for the child because:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the related foster parents are fully capable of and committed to permanently caring for the child; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child, as follows:
☐6. The child will be safe from further harm by the child's parents because:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the child will be safe from further harm by the child's parents; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's description in its court report as to why the child will be safe from further harm by the child's parents, as follows:
☐ 7. The Department has fully counseled the relatives concerning available financial assistance and the availability of more permanent and legal secure placement options, as follows:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options, as follows:
□ 8. If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank]: □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state; □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:

JU-36 Sample Rev. 7/2016 (Front-P. 2)

PERMANENCY HEARING ORDER

[PERMANENT RELATIVE PLACEMENT WITH

(Check which one is applicable):
☐ Transfer of Custody to the Relative ☐ DHR Retaining Custody

needed to assist the child in making the transition to	Department continues supervision, the following services are successful adulthood (Note: If the child is less than 14 years ided, leave this space blank):	
testimony or the parties, and after consulting wit transition plan to independent living, I incorporat report concerning the services the child needs to After reviewing the attached Department's writte testimony of the parties, and after consulting with transition plan to independent living, I modify the	n report dated, p, and based on the h the child, in an age-appropriate manner, regarding the Department's statement in its court report concerning the	
e: The phrase "as long as the Department continues s Placement with Transfer of Custody to the Relative.' number 9 above].	upervision" only applies to the option of "Permanent Relative" If the other option is used, please mark out this phrase in	
At this hearing, I have considered both in-state and o	out-of-state placement options for the child.	
The Department has included information concerning in its written court report dated, p	g age or developmentally appropriate activities for the child	
COURT HEREBY ORDERS THAT [CHECK WHICH		
☐1. The child shall remain in the custody of the Department and be placed in related foster care on a permanent bas with his or her relatives,, on a permanent		
pasis. (n	ames of relatives)	
The Department shall implement the following plan to	o ensure the stability of the foster placement:	
testimony of the parties, I incorporate into this Order After reviewing the attached Department's written co	urt report dated . p and based on the	
Other:		
The next hearing in this case shall be a review hearing	ng and shall take place at [a.m.] [p.m.] on (location of hearing).	
Custody shall be transferred to (names of relatives) with the clear expectation that they will raise the child to the age of majority.		
This case is closed to further review from this Court.		
IFD this		
Date	Judge	
2-15-312 and 12-15-315, Ala.Code 1975	48	
	needed to assist the child in making the transition to of age or if independent living services are not provided and of age or if independent living services are not provided and independent living. I incorporate report concerning the services the child needs to transition plan to independent living, I modify the services the child needs to transition plan to independent living, I modify the services the child needs to transition to success. The phrase "as long as the Department continues so Placement with Transfer of Custody to the Relative." number 9 above]. At this hearing, I have considered both in-state and of the Department has included information concerning in its written court report dated, p COURT HEREBY ORDERS THAT [CHECK WHICH The child shall remain in the custody of the Department with his or her relatives, basis (n) The Department shall implement the following plan to After reviewing the attached Department's written co testimony of the parties, I incorporate into this Order After reviewing the attached Department's written co testimony of the parties, I modify the Department's p. Other: (date) in (date) in (date) in	

State of Alabama Unified Judicial System JU-36A Sample (Front - P. 1) Rev. 7/2016

PERMANENCY HEARING ORDER KINSHIP GUARDIANSHIP

IN THE JUVENILE OR FAMILY COURT OF		COUNTY, ALABAMA
In the Matter of	(Name of County)	, a child
Child:		
On	APPEARANCES	by the above court,
Note: Check which notice and/or atterney		to
Note: Check which parties and/or attorney Mother Father *Child Mother's Attorney Father's Attorney Grandmother Grandfather **Others (specify):	Guardian ad litem Department of Human Resource Department Attorney **Paternal Grandmot **Maternal Other Relatives: **Paternal Other Relatives: **Foster Parents:	es (Department) Caseworker her
Federal law and state law (Section 12 child at each permanency hearing reg living. I have ensured this consult If one or more of these persons who appears it have ensured that they have	are caring for the child under the respo	y transition plan to independent
•		
THE COURT FINDS THAT [CHECK WHIP ☐ 1. Efforts made by the Department, follows reasonable to finalize the existing above-named child, as follows:	_	ild into foster care,□were□were for the
parties, and/or after obtaining input to child, I incorporate into this Order the to arrange and to finalize a new personal After reviewing the attached written parties, and/or after obtaining input to child, I modify the Department's des	court report dated, p, a from the foster parents, preadoptive parent e Department's description of its efforts to manent home described in the court report court report dated, p, a from the foster parents, preadoptive parent cription of its efforts to reunify the family a cribed in the court report; as follows:	nts, or relative caregivers of the prevention reunify the family and, if applicable, rt; and based on the testimony of the ents, or relative caregivers of the land, if applicable, to arrange and to
returning home would be dangerous After reviewing the attached Departr the testimony of the parties, I modify	home because: ment's written court report dated orate into this Order the Department's ext or harmful to the child or is otherwise implement's written court report dated v the Department's explanation in its court l or is otherwise impractical, as follows:	Dianation in its court report why practical; , p and based on
termination of parental rights would i	ment's written court report dated	, p, and based on planation in its court report why

JU-36A Sample	Rev.7/2016
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PERMANENCY HEARING ORDER KINSHIP GUARDIANSHIP

☐ 4. It is in the best interests of the child to permanently place the child with an individual or couple serving as kinship guardians because:	
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians as follows:	
The relatives who are foster parents are fully capable of and committed to permanently caring for the child because:	
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the related foster parents are fully capable of and committed to permanently caring for the child;, After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child, as follows:	
☐ 6. The child will be safe from further harm by the child's parents because:	
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the child will be safe from further harm by the child's parents; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's description in its court report as to why the child will be safe from further harm by the child's parents, as follows:	
☐7. The Department has fully counseled the relatives concerning available financial assistance and the availability of more permanent and legal secure placement options, as follows:	
After reviewing the attached Department's written court report dated, p,, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options; After reviewing the attached Department's written court report dated, p,, and based on the testimony of the parties, I modify the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options, as follows:	
□ 8. If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank]: □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state; □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:)

JU-36A Sample Rev. 7/2016 (Front-P. 2)

PERMANENCY HEARING ORDER KINSHIP GUARDIANSHIP

☐ 9. If the child is 14 years of age or older, as long as the Department continues supervision, the following services are needed to assist the child in making the transition to successful adulthood (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):
☐ After reviewing the attached Department's written report dated
☐10. At this hearing, I have considered both in-state and out-of-state placement options for the child.
☐11. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated, p
THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:
Custody shall be transferred to (names of relatives) with the clear expectation that they will raise the child to the age of majority.
☐2. This case is closed to further review from this Court.
SIGNED this Date Judge
§§ 12-15-312 and 12-15-315, Ala.Code 1975

State of Alabama Unified Judicial System JU-33 Sample (Front) Rev. 7 Rev. 7/2016

PERMANENCY HEARING ORDER - Adoption
(Check which one is applicable):

BY CURRENT FOSTER PARENT

LIWITH NO IDENTIFIED RESOURCES
IN THE JUVENILE COURT OFCOUNTY, ALABAMA (Name of County)
In the Matter of, a child
Child: Date of Birth:
On (date), a permanency hearing was held by the above court.
Note: Check which parties and/or attorneys and/or others were present at the hearing: Mother
Federal law and state law (Section 12-15-315(a) Ala.Code 1975) requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living. I have ensured this consultation with the child was given. If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing. THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE]: I Efforts made by the Department, following the placement of the above-named child into foster care, were were not reasonable to finalize the existing permanency plan of for the above-named child, as follows: After reviewing the attached Department's written court report dated
☐ 2. It is not and will not be safe to return the child home because: ☐ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why returning the child home is not and will not be possible or appropriate; ☐ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why returning the child home is not and will not be possible or appropriate, as follows:
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PERMANENCY HEARING ORDER - ADOPTION JU-33 Sample (Check which one is applicable): BY CURRENT FOSTER PARENT WITH NO ID

			LI DI CURREMI LOSTER PAREMI LI WITH NO IDENTIFIED RESOURCES	
□ 3.		Placin	ng the child for adoption is an appropriate plan because:	
		testime is an a After re testime	reviewing the attached Department's written court report dated, p, and based nony of the parties, I incorporate into this Order the Department's explanation in its court report vappropriate plan for the child and why it appears to be a practical goal if parental rights are term reviewing the attached Department's written court report dated, p, and based nony of the parties, I modify the Department's explanation in its court report why adoption is an action of the child and why it appears to be a practical goal if parental rights are terminated as follows:	vhy adoption inated; on the
□4.		adopti	ollowing is the Department's timetable to petition for termination of parental rights and its plan fo ion. [Note: The plan should set forth specific tasks, times, and dates to prepare for and initiate to tal rights proceedings]:	r the child's ermination of
<u> </u>		be app	child is placed in a home in a different state than the home of the child's parents, the placement propriate and in the child's best interests for the following reasons [NOTE: If the child is placed in as one or both of the child's parents, leave this space blank]:	continues to n the same
		testime necess After re testime	reviewing the attached Department's written court report dated, p, and based nony of the parties, I incorporate into this Order the Department's explanation in its court report visary to place the child in a different state; reviewing the attached Department's written court report dated, p, and based nony of the parties, I modify the Department's explanation in its court report why it is necessary the different state, as follows:	vhy ít is
□ 6.		neede	child is 14 years of age or older, as long as the Department continues supervision, the following od to assist the child in making the transition to successful adulthood, as follows (Note: If the chi 14 years of age or if independent living services are not provided, leave this space blank):	services are ld is less
		testimo plan to needs After r testimo plan to	reviewing the attached Department's written report dated, p, and based nony of the parties, and after consulting with the child, in an age-appropriate manner, regarding to independent living, I incorporate into this Order the Department's statement about the services to make the transition to successful adulthood; reviewing the attached Department's written report dated, p, and based nony of the parties, and after consulting with the child, in an age-appropriate manner, regarding to independent living, I modify the Department's statement about the services the child needs to tion to successful adulthood, as follows:	he transition is the child on the he transition
[N	ote	: The pi Foster above)	ohrase "as long as the Department continues supervision" only applies to the option of "Adoption" r Parent." If the option "Adoption with No Identified Resources" is chosen, mark this phrase out J.	by Current in number 6
□7.		At this	s hearing, I have considered both in-state and out-of-state placement options for the child.	
□ 8.			epartment has included information concerning age or developmentally appropriate activities for written court report dated, p	the child
TI	Œ	COURT	T HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:	
_ 1.		The De	epartment shall proceed with the permanency plan under this option by	date).
□ 2.			ext hearing in this case will be set once the Department proceeds with this permanency plan option.	
□ 3.		The chi	ild shall remain in the custody of the Department.	
SIC	JNE	ED this		
	_	he	Date Judge	navina matamata dalipina per ya pengana peper
§§ 1:	2-1:	5-312, 1	12-15-315, Ala.Code 1975	

State of Alabama Unified Judicial System JU-34 Sample (Front) Rev. 7/2016

PERMANENCY HEARING ORDER

[ADULT CUSTODIAL CARE]

IN THE JUVENILE COURT OF	(Name of County) COUNTY, ALABAMA
In the Matter of	(Name of County), a child
Child:	Date of Birth:
On	(date), a permanency hearing was held by the above court.
	APPEARANCES
* Federal law and state law (Section 12-1) the child at each permanency hearing rindependent living.	☐ Guardian ad litem ☐ Department of Human Resources (Department) Caseworker ☐ Department Attorney ☐ **Paternal ☐ Grandmother ☐ Grandfather ☐ **Maternal Other Relatives:
present, I have ensured that they have r	received notice of this hearing.
 □ were not reasonable to finalize the efor the above-named child, as follows: □ After reviewing the attached Department testimony of the parties, and/or after obcaregivers of the child, I incorporate into □ After reviewing the attached Department testimony of the parties, and/or after obcared. 	ing the placement of the above-named child into foster care, were existing permanency plan of, p, and based on the taining input from the foster parents, preadoptive parents, or relative of this Order the efforts described in the court report; it's written court report dated, p, and based on the taining input from the foster parents, preadoptive parents, or relative rts described in the court report as follows:
☐ 2. The child currently cannot adjust or fund	ction in a family setting because:
testimony of the parties, I incorporate in cannot function in a family setting during sources of that diagnosis, the duration a circumstances of the evaluation, and the function in a family environment; After reviewing the attached Department testimony of the parties, I modify the Dea family setting during childhood and integrosis, the duration and credentials.	to this Order the Department's explanation in its court report why the child go childhood and into adulthood, including the child's diagnosis and the and credentials of those making the diagnosis, the duration and a specific behavior or reactions of the child that make the child unable to it's written court report dated, p, and based on the epartment's explanation in its court report why the child cannot function in to adulthood, including the child's diagnosis and the sources of that of those making the diagnosis, the duration and circumstances of the reactions of the child that make the child unable to function in a family
☐ 3. The following is the most realistic long-to-custodial foster care:	erm goal for the child after the child's eventual discharge from adult

JU-34 S	ampl	e
(Back)	Rev.	7/2016

PERMANENCY HEARING ORDER [ADULT CUSTODIAL CARE]

□ 4.	Efforts have been made by the Department, following the placement of the child into foster care, to bring about the child's safe and speedy return home and such efforts ☐were☐were not reasonable:		
	After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's description in its court report of its efforts to reunify the family; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's description in its court report of its efforts to reunify the family, as follows:		
	If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this blank]: After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:		
	If the child is 14 years of age or older, the following services are needed to assist the child in attaining the fullest possible progress toward successful adulthood (Norte: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank): After reviewing the attached Department's written report dated, p, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement in its court report concerning the services the child needs to attain the fullest possible progress toward successful adulthood; After reviewing the attached Department's written report dated, p, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement in its court report concerning the services the child needs to attain the fullest possible progress toward successful adulthood, as follows:		
□ 7.	At this hearing, I have considered both in-state and out-of-state placement options for the child.		
□ 8.	The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated, p		
THE	COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:		
☐ 1.	The child shall remain in agency-supervised adult custodial care until further ordered by the court.		
□ 2.	The Department shall implement the following plan to ensure this stability of the placement:		
	After reviewing the attached Department's written report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's proposed plan in the court report; After reviewing the attached Department's written report dated, p, and based on the testimony of the parties, I modify the Department's proposed plan in the court report, as follows:		
	Other:		
□ 3.	The next hearing in this case shall be a review hearing and shall take place at[a.m.] [p.m.] on (date) in (location of hearing).		
SIGNED this Judge			
	· ·		
§§ 12	2-15-312 and 12-15-315, Ala.Code 1975,		

State of Alabama Unified Judicial System JU-35 Sample (Front - P. 1) Rev. 7/2016

PERMANENCY HEARING ORDER

Court Case Number

[ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA) LIMITED TO CHILDREN AGE 16 AND OLDER]

IN THE JUVENILE COURT OF	(Name of County) COUNTY, ALABAMA	
In the Matter of	(Name of County)	, a child
Child:		
On	(date), a permanency hearing was held by the above court. APPEARANCES	
Li Otners (specify):	and/or others were present at the hearing: ☐ Guardian ad litem ☐ Department of Human Resources (Department) Casew ☐ Department Attorney ☐ **Paternal ☐ ☐ Grandmother ☐ Grandfather ☐ **Maternal Other Relatives: ☐ **Paternal Other Relatives: ☐ **Foster Parents:	(specify) (specify) (specify)
 Federal law and state law (Section 12-15 child at each permanency hearing regard living.	-315(a), Ala.Code 1975) requires age-appropriate consult ding the permanency plan and/or any transition plan to in ion with the child was given.	ation with the dependent
If one or more of these persons who are present, I have ensured that they have re	caring for the child under the responsibility of the Depat eceived notice of this hearing.	ment are not
Check which one of the following APPLA situ Permanent Placement of Child with Non- Continuation of Child's Placement in a Gr Other Type of APPLA:	• • •	ig (specify)
THE COURT FINDS THAT [CHECK WHICH	BOXES ARE APPLICABLE]:	
	nt's written court report dated, p, and base taining input from the foster parents, preadoptive parents, or a Order the efforts described in the court report why returning	ed on the relative to secure a ed on the relative
compelling reasons): After reviewing the attached Departmer testimony of the parties, I incorporate in home would be dangerous or harmful to After reviewing the attached Departmer testimony of the parties, I modify the De	is/her home and it is not in the best interests of the child becant's written court report dated, p, and base to this Order the Department's explanation in its court report to the child or is otherwise impractical and not in the child's best it's written court report dated, p, and base expartment's explanation in its court report why returning home otherwise impractical and not in the child's best interests, as for	d on the why returning st interests; d on the

JU-35 Sample Rev.7/2016 (Back - P. 1)

PERMANENCY HEARING ORDER [ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA) LIMITED TO CHILDREN AGE 16 AND OLDER]

□ 3.	Termination of parental rights is not in the best interests of the child because (specify compelling reasons):
	After reviewing the attached Department's written court report dated
	Adoption, either with no identified resource or with the current foster parent, is not in the best interests of the child because (specify compelling reasons): After reviewing the attached Department's written court report dated
5.	It is not in the best interests of the child to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision because (specify compelling reasons):
	After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision as follows:
□ ⁶ .	The current foster parents are fully capable of and committed to permanently caring for the child because: After reviewing the attached Department's written court report dated
	It is not in the best interests of the child to place the child with relatives who will be permanent foster parents because (specify compelling reasons): After reviewing the attached Department's written court report dated
	It is not in the best interests of the child to place the child in adult custodial care because (specify compelling reasons): After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's description in its court report as to why it will not be in the best interests of the child to place the child in adult custodial care; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's description in its court report as to why it will not be in the best interests of the child to place the child in adult custodial care, as follows:
	(.1

JU-35 Sample Rev. 7/2016 (front - P.2)

PERMANENCY HEARING ORDER [ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT(APPLA) LIMITED TO CHILDREN AGE 16 AND OLDER]

□ 9. The child cannot and will not be able to adjust or function in a family setting because: □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation describing specific behavior or reactions of the child that make the child unable to function in a family environment; □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation describing specific behavior or reactions of the child that make the child unable to function in a family environment, as follows:
 The following is the plan for continuing parental involvement while the child remains in foster care, including visitation with the child's parents and siblings, if possible. If such involvement is not possible, the following is a plan for the child to form and maintain a close relationship with another adult or adults, who will function as parents for the child: After reviewing the attached Department's written court report dated
 ☐ 11. The following plan will prepare the child to live in the least restrictive possible setting at the earliest appropriate time: ☐ After reviewing the attached Department's written court report dated
☐ 12. The arrangement for the child is permanent rather than temporary because:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why the arrangement for the child is permanent rather than temporary; After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation why the arrangement for the child is permanent rather than temporary, as follows:
☐ 13. There will be stability, predictability, and continuity in the arrangement because:
□ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why there will be stability, predictability, and continuity in the arrangement; □ After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I modify the Department's explanation why there will be stability, predictability, and continuity in the arrangement as follows:
☐ 14. The child will retain permanent ties with parents, family members, or other adults functioning as advocates, parent figures, and mentors, as follows:
After reviewing the attached Department's written court report dated, p, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why the child will retain

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PERMANENCY HEARING ORDER [ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT(APPLA) LIMITED TO CHILDREN AGE 16 AND OLDER]