



ORDER

Granting Denying

Waiver of Reasonable Efforts Pursuant to KRS 610.127

Case No. _____

Court District Family

County _____

Division _____

IN THE INTEREST OF: _____, A CHILD

DOB	Sex	Race	SSN

The following persons were present at today's hearing:

- Mother Father Child County Attorney CHFS Worker Counsel for Child Counsel for Mother
- Counsel for Father Counsel for Other Person Exercising Custodial Control or Supervision (PECCS)
- Stepparent _____
- PECCS _____
- Foster Parent(s) _____
- Person(s)/Agency providing care _____
- Pre-Adoptive Parent(s), if any _____
- CASA volunteer Other Family Member _____
- Other _____

WHEREAS, the above-named child has been brought before this Court pursuant to KRS 610.010, and the Court has been asked to make a determination that the Cabinet be relieved of its responsibility pursuant to KRS 610.127¹ to make reasonable efforts as defined by KRS 620.020,² to offer reunification services to the parents of the child; and having heard the arguments and being otherwise sufficiently advised, **THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:**

- Parent has subjected the child to aggravated circumstances as defined in KRS 600.020 (check all that apply):
 - Parent has not attempted or has not had contact with the child for a period of not less than 90 days.
 - Parent is incarcerated and will be unavailable to care for the child for a period of at least one year from the date of the child's entry into foster care, and there is no appropriate relative placement available during this period of time.
 - Parent has sexually abused the child and has refused available treatment.
 - Parent has been found by the Cabinet to have engaged in abuse of the child that required removal from the parent's home two or more times in the past two years.
 - Parent has caused the child "serious physical injury" as defined in KRS 600.020.
- Parent has been convicted in a criminal proceeding of having caused or contributed to the death of another child of the parent.
- Parent has committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.
- Parent has had their parental rights to another child terminated involuntarily.
- Parent has engaged in a pattern of conduct due to a substance use disorder as defined in KRS 222.005 for a period of not less than 90 days that has rendered the parent incapable of caring for the immediate and ongoing needs of the child, and the parent has refused or failed to complete available treatment for a substance use disorder.

¹ Pursuant to KRS 610.127, if the Court finds that statutorily-defined circumstances exist, then the Court shall waive reasonable efforts.

² "Reasonable efforts" means the exercise of ordinary diligence and care by the department to utilize all preventive and reunification services available to the community in accordance with the state plan for Public Law 96-272 which are necessary to enable the child to safely live at home.

- Parent has mental illness as defined in KRS 202A.011 OR is an individual with an intellectual disability as defined in KRS 202B.010, or other developmental disability as defined in KRS 387.510, that places the child at substantial risk of physical or emotional injury even if the most appropriate and available services were provided to the parent for 12 months.
- Parent has sexually abused the child or is required to register on a sex offender registry under 42 U.S.C. sec. 16913, the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.
- Other circumstances exist that make continuation or implementation of reasonable efforts to preserve or reunify the family inconsistent with the best interests of the child and with the permanency plan for the child as follows:

_____.
- The Court finds that no circumstances defined by KRS 610.127 have been proven.

ORDER

IT IS HEREBY ORDERED:

- The Cabinet's obligation to make reasonable efforts to offer reunification services to the parent(s) of the above-named child **is waived as to:** (Doc Code: OWRE)
_____, MOTHER
_____, FATHER
- The Cabinet's obligation to make reasonable efforts to offer reunification services to the parent(s) of the above-named child **is not waived as to:** (Doc Code: ORENW)
_____, MOTHER
_____, FATHER

CHFS DJJ shall file an updated case permanency plan pursuant to KRS 620.230; and, **a Permanency Hearing shall be held on _____, 2_____ at the hour of _____ a.m. p.m. at the following location: _____**

So ORDERED this _____ day of _____, 2_____.

Judge

Distribution:

- Court file
- Counsel for all parties or parent(s)/PECCS if not represented by counsel
- CHFS or DJJ
- Local CASA upon Court referral