



**ORDER
 ADJUDICATION HEARING**

Case No. _____
 Court District Family
 County _____
 Division _____
 Hearing Type: Adjudication (AH)

IN THE INTEREST OF: _____, A CHILD

DOB	Sex	Race	SSN

The following persons were present at today's hearing:

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

FINDINGS OF FACT/CONCLUSIONS OF LAW

NOTE: If additional space is needed for findings, attach as an addendum.

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

1. The rights provided in KRS 620.100 have been extended to the child and the party(ies) responsible for the child, and all due process rights have been observed.
2. (Check all that apply and make specific findings below)
 - An adjudication hearing** was held;
 - A stipulation** (See AOC-DNA-18, Stipulation of Facts & Waiver of Formal Adjudication Hearing) and waiver of the right to a formal adjudication hearing was made by: (check all that apply)
 - mother
 - father
 - guardian or person in a position of authority or special trust (as defined by KRS 532.045(1)(a), (b))
 - other person exercising custodial control or supervision;

AND the Court makes the following specific findings as to the truth or falsity of the allegations made in the Petition:

3. (Check one) (NOTE: A child cannot be dependent AND neglected or abused. KRS 600.020(20).)
 - Dependency, neglect or abuse **has not** been proved by a preponderance of the evidence.
 - Dependency **has** been proved by a preponderance of the evidence.
 - Neglect or abuse **has** been proved by a preponderance of the evidence.

The above-named child is: *(Check all that apply)*

- A. **Not** dependent, neglected or abused.
 - B. **Dependent** as defined by KRS 600.020(20). The child is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent(s), guardian(s), or other person(s) exercising custodial control or supervision of the child.
 - C. **Neglected or Abused** as defined in KRS 600.020(1)(a). The child's parent(s), guardian(s), person(s) in a position of authority or special trust (as defined by KRS 532.045), or other person(s) exercising custodial control or supervision of the child: *(check all that apply)*
 - Inflicted or allowed to be inflicted upon the child physical or emotional injury by other than accidental means;
 - Created or allowed to be created a risk of physical or emotional injury by other than accidental means;
 - Engaged in a pattern of conduct that makes him/her/them incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to a substance use disorder as defined in KRS 222.005;
 - Continuously or repeatedly failed or refused to provide essential parental care and protection for the child, considering the age of the child;
 - Committed or allowed to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
 - Created or allowed to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 - Abandoned or exploited the child;
 - Did not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so;
 - Failed to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child that resulted in the child remaining committed to the cabinet and remaining in foster care for 15 cumulative months out of 48 months;
 - Committed or allowed female genital mutilation as defined in KRS 508.125 to be committed.
 - D. **Neglected or Abused** as defined in KRS 600.020(1)(b). A person 21 years of age or older committed or allowed to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than 16 years of age.
4. The facts **do not** support removal or continued removal of the child, or there are less restrictive alternatives to removal that are adequate to reasonably protect the child.

OR

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

5. The child's *best interests* **require** **do not require** the Court to change custody of the child.

6. **Continuation in the home of removal** **is** **is not** *contrary to the welfare of the child*.

7. **REASONABLE EFFORTS:**

Reasonable efforts were made to prevent the child's removal from the home.

Reasonable efforts to preserve or reunify child with his/her family are not required pursuant to KRS 610.127.

Reasonable efforts were not made to prevent the removal or continued removal of the child from the home.

ICWA Cases Only. Active efforts have been made to provide services to the family to prevent removal of the American Indian child from his/her parent(s) or American Indian custodian(s) and to reunify the American Indian child with his/her parent(s) or American Indian custodian(s) (if removed).

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

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

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

ORDER

WHEREAS, the above-named child has been brought before this Court pursuant to KRS 610.010, the Court finds its jurisdiction has been properly sought and based upon the findings of fact and conclusions of law,

IT IS HEREBY ORDERED THAT:

1. **This child, having been found NOT to be dependent, or neglected or abused, shall:**

Doc. Code:

OAHR Be returned/released to home of removal with no further disposition being required.

OAREM Remain in the home with no further disposition being required.

OR

Pending disposition of this matter, this child, having been found to be dependent, or neglected or abused, shall:

Doc. Code:

OATCC Be placed, or continue to remain, in temporary custody of the Cabinet for Health and Family Services (CHFS).

OATCR Be placed, or continue to remain, out of home of removal with relative(s) or other appropriate person(s) or agency as follows:

Name: _____

Address: _____

Relationship to the child: _____.

OAREM Remain in the home.

- 2. The parent(s), guardian(s) or person(s) exercising custodial control or supervision of the child shall cooperate with CHFS and actively participate in treatment or a social service program. (KRS 610.160)
- 3. **At least seven days prior to the disposition hearing, the Cabinet for Health and Family Services (or the Department of Juvenile Justice where there is a dual commitment) shall prepare and submit to the Court and all parties an AOC-DNA-12, Dependency, Neglect or Abuse Dispositional Report of recommendations concerning disposition of the child.**

4. OTHER ORDERS:

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

Hearing Type: Disposition (D) Pretrial Conference (PC) Other (OH) _____

The following persons shall be present:
 ALL PARTIES AND COUNSEL OF RECORD Except: _____

AND:

CASA _____

Stepparent(s) _____

Foster Parent(s) _____

Person(s)/Agency providing care _____

Other _____

_____, 2_____
Date

Judge

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