

AOC-DNA-6
 Rev. 1-21
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 Commonwealth of Kentucky
 Court of Justice www.kycourts.gov
 KRS 610.010, .070, .110, .125
 KRS 610.160, .170
 KRS 620.023, .027, .100, .140, .220
 FCRPP 21; 42 U.S.C. § 675, § 675a



**ORDER
 PERMANENCY HEARING**

Case No. _____
 Court District Family
 County _____
 Division _____
 Hearing Type: Permanency (APR)

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 previously made a finding of **dependency** **neglect or abuse**, the Court further finds and concludes:

1. The child's *best interests* **require** **do not require** the Court to order a change of custody of the child.
2. Returning the child to the home at this time **is** **is not contrary to the welfare of the child.**
3. **REASONABLE EFFORTS:**
 - Reasonable efforts were made to prevent the child's removal from the home.
 - Reasonable efforts to preserve or reunify the child with his/her family are not required pursuant to KRS 610.127.
 - Reasonable efforts were not made to prevent the child's removal or continued removal from the home.
 - ICWA Cases Only.** Active efforts have been made to provide services to the family to prevent removal of the American Indian child from his/her parent(s) or American Indian custodian(s) and to reunify the American Indian child with his/her parent(s) or American Indian custodian(s) (if removed).
4. The Court **has** **has not** found that reasonable efforts (active efforts if ICWA case) have been/are being made to finalize the permanency plan for the child.
5. **For commitment under KRS 620.140:** the child needs **protection** **extraordinary services (KRS 600.050).**
6. This child has been in **foster care** for fifteen (15) cumulative months out of forty-eight (48) months, and if applicable, the following Adoption and Safe Families Act (ASFA) exemptions apply:
 - The child is being cared for by a relative.
 - The Agency **has** documented the following compelling reason(s) as to why filing a Petition for Termination of Parental Rights would not be in the best interest of the child:

The Agency **has not** provided services consistent with the case plan that the agency deems necessary for the safe return of the child to his/her home.

7. The child's parent(s) and/or other appropriate person(s) **were** **were not** notified of this hearing by the Court. Notice was not given because: _____.

8. The Cabinet for Health and Family Services (CHFS) The Department of Juvenile Justice (DJJ) **has** **has not** presented evidence to the court concerning the case and progress of the child since the last permanency hearing in accordance with KRS 610.125(4).

9. CHFS DJJ **has** made a recommendation as to the permanency goals of the child as follows:

- a. The child should be returned to the parent(s).
- b. The child should be placed for adoption.
- c. The child should be placed with the permanent custodian(s).
- d. CHFS DJJ has documented a compelling reason that it is in the child's best interest to be placed in another planned permanent living arrangement other than those listed above.

OR

CHFS DJJ **has not** made a recommendation as to the permanency goals of the child.

10. **Must be completed if another planned permanent living arrangement is the child's permanency plan:**

- a. The court has asked the child about his/her desired permanency outcome; and
- b. The court has determined that another planned permanent living arrangement is the best permanency plan for the child and it continues **not** to be in the best interests of the child to return home; be placed for adoption; be placed with a legal guardian; or be placed with a fit and willing relative or fictive kin for the following compelling reason(s):

11. There continues to be *no less restrictive alternative* to removal of the child from the home of _____ due to the following (*Please be specific and provide detailed information/circumstances relating to the child and why there is no less restrictive alternative than continued removal of the child*):

12. Having considered the evidence presented at the hearing relevant to determination of the permanency goal for the child, the Court **has** **has not** found the child's best interests are served by CHFS's DJJ's recommendations.

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

ORDER

WHEREAS, the above-named child was brought before this Court for an **Annual Permanency Hearing (APR)** pursuant to KRS 610.125, which must be held no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter if custody and out-of-home placement continues, 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. The **PERMANENCY PLAN** shall be:

- Returned to the parent(s)
- Adoption
- Placed with the permanent custodian(s)
- Placed in another planned permanent living arrangement (*only for a child age 16 or older*)

Doc. Code:

2. **If placed, or continuing to remain, out of the home of the child's parent(s) or legal custodian(s)/guardian(s) from which the child was initially removed, the child shall:**

OPCOM Be committed or **OPCMR** Remain committed to (*check one*): CHFS DJJ.

OPTCR Be placed, or continue to remain, with relative(s) or other appropriate person(s) or agency named below.

If returned or remaining in the home of initial removal, the child shall:

OPORC Be returned/released to the home of the parent(s) or legal custodian(s)/guardian(s) from which the child was initially removed.

OPREM Remain in the home of the parent(s) or legal custodian(s)/guardian(s) from which the child was initially removed.

If returned to CHFS from DJJ, the child shall:

OPDC Be discharged from commitment to DJJ and commitment be returned to CHFS pursuant to prior Disposition Order and commitment dated _____ which remains in effect. (KRS 610.125)

Name, address and relationship of person(s) to whom custody is granted if other than CHFS or DJJ:

Name: _____

Address: _____

Relationship: _____

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

4. OTHER ORDERS:

5. The Court's advisory recommendations, if any, regarding this child are:

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

Hearing Type: Review (REV) 6 Month Permanency Progress Review (PPR) Independent Living Review (ILR)
 Annual Permanency Hearing (APR) Post-TPR 90 Day Review (TPRV)
 Other (OH) _____

The following persons shall be present:

ALL PARTIES AND COUNSEL OF RECORD Except: _____

AND:

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

_____, 2____
Date

Judge's Signature

Distribution:

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