**ORDER FOR EMERGENCY PROTECTIVE CUSTODY**

**IN THE COURT OF COMMON PLEAS OF** **COUNTY, PENNSYLVANIA**

**JUVENILE DIVISION**

**DOCKET NO:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FID:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Commonwealth of Pennsylvania**

**In the Interest Of:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, a Minor**

**Date of Birth** \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PERSONS APPEARING AT THIS HEARING:**

|  |  |  |  |
| --- | --- | --- | --- |
| ❑ Child  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Legal Counsel for Child  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Child’s GAL  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ CASA  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ❑ Mother  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Mother’s attorney  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Agency Worker  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Agency’s attorney  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ❑ Father  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Father’s attorney  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Legal Guardian/Custodian  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ❑ Legal Guardian/Custodian’s attorney \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ❑ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |  | |

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, after review the court finds

* **DENIED** - The request by the County Children and Youth Services Agency is hereby denied.
* **GRANTED** - The request by the County Children and Youth Services Agency is hereby granted.       and/or any duly authorized law enforcement officer is authorized to investigate further the surroundings of the above-named child and to take the child into custody if the child is in imminent danger from his/her surroundings or has run away from his/her surroundings or has run away from his or her custodian. If the child is taken into custody, a shelter care hearing must be held on the next day that the court is available to hear shelter hearings.

1. **DEPENDENCY PETITION**

* (a) **FILED** - A Dependency Petition has been set forth alleging the above named child to be a dependent child.
* (b) **NOT FILED** - A Dependency Petition is to be set forth alleging the above named child to be a dependent child.
* (c) **DEPENDENT CHILD** – The child has been previously adjudicated dependent.

1. **INCARCERATED PARENT(S)/GUARDIAN(S)**

* (a) The Child’s Mother is currently incarcerated.
* (b) The Child’s Father is currently incarcerated.
* (c) The Child’s Legal Guardian/Custodian is currently incarcerated.

1. **SUFFICIENT EVIDENCE**

* (a) Sufficient evidence was presented to prove that continuation or return of the child to the home of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Relationship: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is not in the best interest of the child.
* (b) Insufficient evidence was presented to prove that continuation or return of the child to his or her home is not in the child’s best interests.

1. **REASONABLE EFFORTS TO COMPLY WITH FAMILY FINDING REQUIREMENTS**

* (a) The Agency has satisfied the requirements of Pa.R.J.C.P.1149 regarding family finding.
* (b) The Agency has not satisfied the requirements of Pa.R.J.C.P. 1149 regarding family finding.
* (c) The court previously ordered that family finding efforts be discontinued.

1. **REASONABLE EFFORTS TO PREVENT REMOVAL FROM HOME**

* (a) The Court finds that to allow this child to remain in the home would be contrary to the child’s welfare and that
* (i) Reasonable efforts were made by the County Children and Youth Services Agency to prevent or eliminate the need for removal of this child from the home.
* (ii) Preventive services were not offered due to the necessity for emergency placement. The lack of services was reasonable under the circumstances. This level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.
* (iii) Reasonable efforts are underway to make it possible for the child to return home, the Court having previously determined pursuant to 42 Pa.C.S.A. § 6332 that reasonable efforts were not made to prevent the initial removal of this child from the home.
* (b) NO reasonable efforts were made by the County Children and Youth Services Agency to prevent or eliminate the need for removal of this child from the home.

1. **FURTHER FINDINGS**

* (a) THE COURT FURTHER FINDS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* (b) Further Findings Attached

**ORDER - Based upon the above findings, IT IS ORDERED THAT:**

1. **CUSTODY AND CONDITIONS**

* (a) **LEGAL CUSTODY** – Legal Custody of the Child shall remain with return to transfer to:
* (i) Mother and Father \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (ii) Mother \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (iii) Father \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (iv) County Agency \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(“Agency”)
* (v) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Relationship: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* (b) **PHYSICAL CUSTODY** – Physical Custody of the Child shall remain with return to transfer to:
* (i) Mother and Father
* (ii) Mother
* (iii) Father
* (v) County Agency \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(“Agency”)
* (iv) Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Relationship: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* (c) **PLACEMENT**
* (i) PLACEMENT – The Child shall be placed (for first placement or any moves), by the agency in

remain in

|  |  |  |  |
| --- | --- | --- | --- |
| **Kinship Care** | **Foster Care** | **Congregate Care** | **Hospitalization** |
| Relative Care-Maternal | Foster Home | Shelter Care | Medical Care Facility |
| Relative Care-Paternal | Guardian (Non-Parent) | Group Home | Psychiatric Facility |
| Pre-Adoptive Home | Pre-Adoptive Home (Non-Kinship) | Residential Facility |  |
| Kinship Non-Relative Care | Supervised Independent Living | Residential Treatment Facility |  |
| Specify/Other:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Specify/Other:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Specify/Other:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Specify/Other:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

* (ii) The Child’s placement is the least restrictive placement that meets the needs of the child and there is no less restrictive alternative available, in that **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* (iii) If the child is taken into custody, the agency shall make every effort to place the child with relatives or persons known to the child in order to minimize trauma.
* (iv) The agency must exhaust all other options before the child is placed into foster care or congregate care.
* (v) The agency shall exhaust all efforts to place the child with sibling(s) unless joint placement with sibling(s) is contrary to the safety or well-being of the child or sibling(s).
  + (d) **PROTECTIVE SUPERVISION** – The Child shall be under the protective supervision of the Agency.
  + (e) **CONDITIONS** – The custody and/or placement of the child is subject to the following conditions:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* (f) **VISITATION** – The additional condition(s) of visitation is set forth as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **EDUCATION/EVALUATIONS**
   * (a) **EDUCATIONAL NEEDS** – The Child’s educational needs are being addressed not being addressed.
   * (b) **HIGH SCHOOL DIPLOMA OR GED** – The Child has attained a high school diploma GED.
   * (i) The Child is pursuing post-secondary education.
   * (ii) The Child is not pursuing post-secondary education.
   * (c) **STABILITY AND APPROPRIATENESS** – In order to ensure the stability and appropriateness of the Child’s education, the agency shall provide the following services: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + (d) **EDUCATIONAL DECISION MAKER** – An educational decision maker:
  + (i) Shall be appointed pursuant to Rule 1147. Specify, if available: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + (ii) Continues to be necessary at this time. Specify, if available: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + (iii) Is not necessary at this time, in that: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + (iv) Is not applicable at this time, in that: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + (e) **EDUCATIONAL EVALUATIONS** – Specify the educational evaluations, tests, counseling, or treatments that are necessary: \_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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* + (f) **EDUCATIONAL SETTING** – While the Child is in placement, he/she shall attend:
  + (i) his/her school of origin.
  + (ii) a public school in proximate location to the placement facility.
  + (iii) a school facilitated by the placement facility, as this court finds it is not in the best interest of the Child to attend school elsewhere.

1. **HEALTH/EVALUATIONS**
   * (a) **HEALTH CARE AND DISABILITY** – If parental consent cannot be obtained, the following evaluations and treatment are authorized: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* + (b) **HEALTH EVALUATIONS** – Specify any health evaluations, tests, counseling, or treatments that are necessary: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. **FAMILY FINDING**

* (a) **ENGAGE AND CONTINUE** – The court orders the Agency to engage and continue in family finding until further order of court, including, but not limited to: specialized computer searches; interviewing the child and all known family members; interviewing prior caregivers and placement providers; interviewing any previous caseworkers and probation officers; interviewing past and present service providers and therapists; checking social media sites; completing a genogram, family tree, or mapping; and all other sources that would lead to the identification of family members, kin, and fictive kin. The Agency shall present its family finding efforts at the next court hearing scheduled for this child.
* (b) **ENGAGE AND CONTINUE** – The court orders the Agency to engage and continue in family finding until further order of court, specifically, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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The Agency shall present its family finding efforts at the next court hearing scheduled for this child.

* (c) **DISCONTINUED** – Family finding shall be discontinued because it is determined that:
  + (i) it no longer serves the best interests of the child.
  + (ii) it is a threat to the child’s safety.
  + (iii) the child is in a pre-adoptive placement and the court proceedings to adopt the child have been commenced.
* (d) **RESUMED** – The Agency shall resume family finding because resuming family finding is best suited to the safety, protection and physical, mental and moral welfare of the child and does not pose a threat to the child’s safety.

1. **INDIAN STATUS**

* (a) The Agency has made efforts to determine whether the child is an Indian child pursuant to Rule 1203.
* (b) Any participant has reason to know the child is an Indian child pursuant to Rule 1203. If so, provide the name of the participant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (c) Indicate Tribe, if known: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (d) Specify additional information about the child’s Indian status: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **FURTHER ORDERS**

* (a) IT IS FURTHER ORDERED that:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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* (b) Further Orders Attached

Such disposition having been determined to be best suited to the protection and physical, mental and moral welfare of the child.

**Next Scheduled Court Event: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**BY THE COURT:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge

Copies To: