

STATE OF VERMONT
_____ COUNTY, SS.

VERMONT FAMILY COURT
DOCKET NO. _____jv

In Re: _____

TEMPORARY CARE ORDER
TRANSFER OF TEMPORARY CUSTODY

A **temporary care** hearing was held in this matter on _____, 20__.

The following persons were present:

- Child/**ren**
- Guardian Ad Litem
- Mother of Child/**ren**
- Father of Child/**ren**
- Dept. for Children & Families representative
- Attorney for child
- Attorney for mother
- Attorney for father
- Attorney for State
- Other: _____

The State has filed a petition with this court alleging that the above named juvenile has committed the following delinquent act(s): _____.

- The juvenile has entered a denial to the petition.**
- DCF has provided the Court with information required by §5525(e):**
 - Reasons for the child's removal not set forth in the affidavit of probable cause;**
 - Services provided to the family or child to prevent removal;**
 - The need for continued custody;**
 - Services that could facilitate the return of custody to the parent or guardian;**
 - Identity of persons who may be suitable, willing and available to assume custody;**
 - Additional information required by the UCCJA, 15 V.S.A. §1037;**
 - Additional information required by ICWA, 25 U.S.C. §1091.**

Findings and Conclusions

The Court's findings and conclusions are based on the following:

- Stipulation of the parties
- Testimony presented at the hearing
- Affidavit(s) filed by State's Attorney in support of the petition
- Other _____

The Court finds as follows: [Briefly state significant facts supporting transfer of temporary custody. Use supplemental sheet if necessary.]

Q Facts stated in Emergency Care Order.

The court has found probable cause on the delinquency petition. Based on the findings set forth above, the court concludes that remaining in the home is contrary to the juvenile's welfare because:

- G The child cannot be controlled in the home and is at risk of harm to self or others; or
- G Continued residence in the home will not safeguard the well-being of the child and protect the community because of the serious and dangerous nature of the act(s) the juvenile is alleged to have committed as set forth in the findings above; or
- G The child's welfare is otherwise endangered.

Reasonable Efforts Finding:

Based on information of record, the Court finds pursuant to 33 V.S.A. § 5102 (25) that:

- Q DCF exercised due diligence to use appropriate and available services to prevent the child's unnecessary removal from the home.
- Q No services were appropriate or reasonable due to:
 - Q Emergency circumstances; or
 - Q The following aggravated circumstances as defined in 33 V.S.A. §5102 (25):
 - Abandonment of child
 - Sexual abuse of child
 - Torture of child
 - TPR of child's sibling
 - Murder or manslaughter by parent
 - Felony by parent with serious bodily injury to child or other child
 - Other: _____
- Q DCF has **not made** reasonable efforts to prevent the child's unnecessary removal from the home.
- Q A hearing on whether reasonable efforts were made will be held on _____, 20____, at _____ a.m/ p.m. (within 60 days of the date of the initial removal)

ORDER

Based on the foregoing, and pursuant to 33 V.S.A. §5256, it is hereby **ORDERED**:

1. Legal Custody

Q Legal custody of the child is returned to _____ under a conditional custody order.

Q Temporary legal custody is transferred to _____.
Q Transfer is subject to a conditional custody order.

Q Temporary legal custody of the child is transferred to the Commissioner of the Department for Children and Families. DCF shall file an initial case plan within 60 days.

Q Placement of the child may include an DCF staff secure juvenile detention program (such as Sand Hill, 206 Depot Street, or Mountainside), until another suitable placement is found.

Q Placement of the child at Woodside – See Order re: Placement at Woodside

2. Conditions of Release

Q Conditions of Release are issued as a separate order.

3. Parent Child Contact

Q Contact between parent(s) and child shall take place as follows:

Q As agreed to between DCF and Q Mother and/or Q Father and/or

Q Other _____.

Q Under the following terms and conditions: _____

4. Services

Q Pending a merits hearing, DCF shall make good faith efforts to have the following services provided to the child:

Q Pending a merits hearing, DCF shall refer the parent or parents to the following services:

Q Other: _____

5. Establishment of Paternity

Q Parentage of the child has been established.

Q Parentage of the child is at issue:

Q Order for genetic testing issued.

Q DCF shall:

Q Make diligent efforts to locate _____ and initiate paternity testing.

Q Make diligent efforts to identify absent parent.

Q Custodial parent is hereby ordered to provide DCF with names of all potential noncustodial parents.

6. Other: _____

Q A status conference will be held on _____, 20____, at _____ a.m/ p.m.

Q A merits hearing will be held on _____, 20____, at _____ a.m/ p.m.

Dated _____, 20____, at _____, Vermont.

Family Court Judge

RETURN OF SERVICE

On _____ (date), I served this order on _____ (name) by

Signature, Serving Officer (Name: _____)

WAIVER OF SERVICE

Service of temporary custody order is hereby accepted and all other manner of service is hereby waived.

Signature

Date