

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
Q is a child in need of care and supervision because he/she has been:

- abused
- abandoned
- without proper parental care
- without or** beyond the control of his/her parent, guardian, or custodian

Q The following have entered a denial to the petition:

- Juvenile
- Parent _____
- Parent _____
- Guardian/Custodian _____
- Other _____

Q 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.

Based on the findings set forth above, the court concludes that **remaining in the home is contrary to the child’s welfare because:**

- Q A return of legal custody could result in substantial danger to the physical health, mental health welfare or safety of the child;
- Q The child or another child living in the same household has been physically or sexually abused by a custodial parent, guardian or custodian, or by a member of the child’s household, or another person known to the custodial parent, guardian or custodian;
- Q The child or another child living in the household is at substantial risk or physical or sexual abuse;
- Q The custodial parent, guardian or custodian has abandoned the child;
- Q The child or another child in the same household has been neglected and there is a substantial risk of harm to the child who is the subject of this petition.

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. §5308, 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.

2. 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:

3. 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: _____

4. 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.

5. 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