

## Dependency & Termination of Parental Rights Law

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### Dependency Case Process - Complaint

#### Complaint (Form JU-2).

\*May be filed by any person (who has knowledge of the facts or is informed of them and believes that they are true).

\*Must be written and verified.

\*Received by intake officer or "alternate" intake officer (Rule 8(A), Alabama Rules of Juvenile Procedure (Ala.R.Juv.P.) and § 12-15-102(11) - must be a full-time or part-time certified juvenile probation officer, Unified Judicial System (UJS) employee, or person working for the juvenile court regardless of whether salary is paid out of UJS funds).

Ala.Code 1975, §§ 12-15-118(1), 12-15-120(a); and Rule 12(A), Ala.R.Juv.P.

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## **Preliminary Inquiry and Best Interests**

- **Preliminary Inquiry By Intake Officer In Order to “Receive” Complaint.**

\*Subject-Matter Jurisdiction/Venue Determination.

\*\*“Probable Cause” Determination.

§ 12-15-120(b); Rule 12(B), Ala.R.Juv.P.

- **Best Interests Determination by Intake Officer to Determine If Petition Should be Delivered to Clerk of Court.**

Rule 12(C)(2), Ala.R.Juv.P.

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## **Preliminary Inquiry - Jurisdiction**

### **Subject-Matter Jurisdiction**

Age of “Child” [§ 12-15-102(3)] – under 18 years of age OR under 21 years of age AND before the juvenile court for a delinquency matter arising before 18<sup>th</sup> birthday.

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## Preliminary Inquiry – Jurisdiction (cont'd)

### Subject-Matter Jurisdiction (cont'd):

#### "Custody" Actions

Juvenile Court generally will have jurisdiction over:

\*Custody actions with allegations of dependency (JU).

\*Custody issues arising at the same time in parentage actions (CS) under Uniform Parentage Act OR after an establishment of parentage.

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## Preliminary Inquiry – Jurisdiction (cont'd)

- If a custody action is filed without an allegation of dependency or a paternity issue then, effective January 1, 2009, the juvenile court does NOT have jurisdiction over these types of actions, and they must be filed in the circuit court under that court's equity power.

See *Ex parte Handley*, 460 So.2d 167 (Ala. 1984) (circuit court has equity jurisdiction over child custody proceedings) and § 12-11-31(1).

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## **Preliminary Inquiry - Venue**

**VENUE – county where child resides, where child is present when proceedings are commenced, or where alleged acts occurred [§ 12-15-302(a)].**

**Additional Venue Rules [§§ 12-15-302(b), (c), and (d)] – NOT for Preliminary Inquiry Stage!**

**\*Subsequent modification petition – ONE party still resides in original county – filed there.**

**\*Subsequent modification petition – NO party still resides in original county – filed in county where child resides.**

**Child's Residence = 6 or more months in county OR permanent legal residence of child and legal custodian; does not include placements by a state agency.**

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## **Preliminary Inquiry – Probable Cause**

**Probable Cause –  
definition of “dependent child”  
(essential element – “and is in  
need of care or supervision”).**

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## Preliminary Inquiry – Probable Cause (cont'd)

### § 12-15-102(8) – “DEPENDENT CHILD”

“a. A child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and meets any of the following circumstances:

“1. Whose parent, legal guardian, legal custodian, or other custodian subjects the child or any other child in the household to abuse, as defined in subdivision (2) of Section 12-15-301 or neglect as defined in subdivision (4) [sic – (8)] of Section 12-15-301, or allows the child to be so subjected.

“2. Who is without a parent, legal guardian, or legal custodian willing and able to provide for the care, support, or education of the child.

“3. Whose parent, legal guardian, legal custodian, or other custodian neglects or refuses, when able to do so or when the service is offered without charge, to provide or allow medical, surgical, or other care necessary for the health or well-being of the child.

“4. Whose parent, legal guardian, legal custodian, or other custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state.

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## Preliminary Inquiry – Probable Cause (cont'd)

“5. Whose parent, legal guardian, legal custodian, or other custodian has abandoned the child, as defined in subdivision (1) of Section 12-15-301.

“6. Whose parent, legal guardian, legal custodian, or other custodian is unable or unwilling to discharge his or her responsibilities to and for the child.

“7. Who has been placed for care or adoption in violation of the law.

“8. Who, for any other cause, is in need of the care and protection of the state.

“b. The commission of one or more status offenses as defined in subdivision (4) of Section 12-15-201 is not a sufficient basis for an adjudication of dependency.”

*The Juvenile Justice Act of 2008, effective 1/1/2009, deleted the provision from the definition of “dependent child” that a child “. . . [w]hose custody is the subject of controversy” is dependent.*

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## Dependency Case Process

Case Number Date Filed 2011	JUVENILE COURT INTAKE OFFICER'S ENDORSEMENT ON A PETITION	Case No.
<p>In the Juvenile Court of _____ County, Missouri  in the matter of _____  Petitioner _____</p> <p>I certify that I have been duly appointed as Judge/Clerk of the Court according to  Mo. Code 103.0, § 103-020(1). I am a resident of the State of Missouri.  I, _____, do, not, as alleged, own/hold/operate/possess any real estate in  _____ County, Missouri, and hereby certify that the filing of this petition is in the best interest  of the public welfare for the child.</p> <p>_____  Judge/Clerk of the Court</p>		

Mo. Code 103.0, § 103-020(1), Feb. 12, 2010, 2011.

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## Dependency Case Process - Petition

A juvenile petition only may be signed by any person 18 years of age or older, **other than a juvenile court intake officer**, who has knowledge of the facts and is informed of them and believes that they are true.

§ 12-15-121(a).

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## **Dependency Case Process**

### **§ 12-15-121(a) – Child Custody Proceeding Affidavit (Form JU-23)**

Every party must file a custody affidavit stating:

- \*Child's present address or whereabouts.
- \*Places where child has lived last 5 years.
- \*Names and present addresses of persons with whom child has lived last 5 years.
- \*Proceedings concerning the child in which affiant was party or witness.
- \*Other proceedings of which affiant has knowledge.
- \*Names and addresses of persons who have physical custody of child other than parties.

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## **Dependency Case Process - Summons**

### **Issuance of Summonses for Dependency and TPR Cases:**

- \*Child (if 12 years of age or older).
- \*Parents, legal guardian, or legal custodian.
- \*Other necessary parties.

§ 12-15-122(a) and Rule 13(A)(1), Ala.R.Juv.P.

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## Dependency Case Process - Service

### Service of Summonses:

\*Pursuant to Rules of Civil Procedure, except as otherwise provided.

§ 12-15-123 and Rule 13(A), Ala.R.Juv.P.

\*Service by Publication NOT authorized except TPR.

Rule 13(A)(2), Ala.R.Juv.P.

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## Dependency Case Process - Appearance

### Appearance of Counsel:

\*Counsel for a party must file his or her pleading or notice of appearance with appropriate contact information in all juvenile court proceedings with the clerk or by appearing personally at a juvenile court hearing and advising the juvenile court that he or she is representing a party.

\*Counsel who have filed a pleading or notice of appearance with the clerk or who have appeared at a juvenile court hearing shall receive copies of all notices, pleadings, motions, orders, and other documents required by statute or rule to be given to parties.

\*Counsel must not withdraw from a case without the consent of the juvenile court.

Rule 14, Ala.R.Juv.P.

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## Dependency Case Process

### "Shelter Care" Hearing:

**\*MUST BE HELD** w/in 72 hours of removal of child from custody of parent, etc. and cannot be waived.

\*Notice (oral or written) of hearing must be given to parent, etc.

\*Advisement of right to counsel.

\*Informed of contents of petition.

\*Relevant and material evidence.

\*Court may order parent, etc. to provide a list of relatives (see Social Worker Guide).

§ 12-15-308.

NOTE: Rule 1(A), Ala.R.Juv.P., provides that, except as otherwise provided by constitutional provision, statute, these Rules, or other rules adopted by the Supreme Court of Alabama, the Alabama Rules of Evidence shall apply in all juvenile court proceedings.

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## Dependency Case Process (cont'd)

### Contrary to Welfare Determination in Court Order:

\*First Order of Removal [§ 12-15-312(a)(1)].

\*Case Specific and Explicit.

\*Nunc pro tunc orders and affidavits not permitted.

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## **Dependency Case Process - ISP**

### **Individualized Service Plan (ISP) Meeting:**

- \*Engaging and joining with the family.
- \*Identifying strengths, needs, and goals.
- \*Matching and developing services.
- \*Determining responsibility for steps.
- \*Tracking progress.
- \*Sustaining the change.

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## **Dependency Case Process**

### **“Six-Month Reviews”:**

- \*If a child is in foster care or “out-of-home” care, must be held within 6 months of the removal of the child from the home and at least every 6 months thereafter while the child is in foster care.
- \*Mandated by federal law but not provided in state law.
- \*Purpose is to review the status of the child's case.

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## Dependency Case Process (cont'd)

### Adjudicatory Hearing:

- \*Scheduled for "earliest practicable date."
- \*Confidential and w/out jury.
- \*Ascertain if all parties present.
- \*Advisement of rights.
- \*Advisement of substance and allegations of petition by counsel or court.
- \*Receives relevant, material, and competent evidence.
- \*Clear and convincing evidence standard.

§§ 12-15-129, 12-15-310, and 12-15-311; Rules 23 and 24, Ala.R.Juv.P.

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## Dependency Case Process (cont'd)

### Reasonable Efforts Determinations in Court Orders:

- \*Efforts to Prevent Removal = w/in 60 days after removal of child [§ 12-15-312(a)(2)].
- \*Efforts to Finalize Permanency Plan = w/in 12 months after removal of child and not less than every 12 months thereafter [§ 12-15-312(a)(3)].
- \*Case specific and explicit.

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## Dependency Case Process (cont'd)

### Reasonable efforts not required to be made if parent:

- \* Had an involuntary TPR of sibling against parent.
- \* Subjected a child/sibling to an "aggravated circumstance" – rape, sodomy, incest, aggravated stalking, abandonment, torture, chronic abuse, sexual abuse, etc.
- \* Committed murder/manslaughter of another child or the other parent of the child.
- \* Aided or abetted, attempted, conspired or solicited to commit murder/manslaughter of another child or the other parent of the child.
- \* Committed a felony assault resulting in serious bodily injury to child, another child, or the other parent of the child

\*Once determination made, permanency hearing w/in 30 days after determination.

§§ 12-15-312(c) and (e).

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## Dependency Case Process - Recording

### Recording Juvenile Court Proceedings:

- A recording of all "juvenile court proceedings" shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof.

Rule 20(A), Ala.R.Juv.P.

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## Dependency Case Process - Findings

### Findings from Adjudicatory Hearing:

Either:

- (1) Facts are true and child is dependent; or
- (2) Facts are not proved (child is not dependent) and petition shall be dismissed.

Findings must in writing.

Rule 25(A), Ala.R.Juv.P.

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## Dependency Case Process - Dispositions

### Dispositional Hearing:

\*Right after adjudicatory phase or separate.

\*Relevant and material evidence.

\*Decision is what is in "best interests of child."

\*Possible dispositions:

\*Remain with parents, etc.

\*Protective supervision.

\*\*"Temporary" legal custody to DHR, child-placing agency, or "relative" or other individual.

\*\*"Permanent" legal custody to DHR and TPR.

\*Any other order in best interests of child.

§§ 12-15-311, 12-15-314; Rule 25, Ala.R.Juv.P.

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## Dependency Case Process

### **"Relative":**

#### **§ 12-15-301(13) – Definition of "Relative":**

*"An individual who is legally related to the child by blood, marriage, or adoption within the fourth degree of kinship, including only a brother, sister, uncle, aunt, first cousin, grandparent, great grandparent, great aunt, great uncle, great great grandparent, niece, nephew, grand niece, grand nephew, or a stepparent."*

#### **§ 12-15-314(a)(3)c.:**

*"A relative or other individual who, after study by the Department of Human Resources, is found by the juvenile court to be qualified to receive and care for the child. Unless the juvenile court finds it not in the best interests of the child, a willing, fit, and able relative shall have priority for placement or custody over a non-relative."*

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## Dependency Case Process (cont'd)

### **Permanency Hearing:**

\*Determines permanency plan.

\*Must be held w/in 12 months of "...the date a child is removed from the home and placed in out-of-home care, and not less frequently than every 12 months thereafter during the continuation of the child in out-of-home care ..." OR w/in 30 days of no reasonable efforts finding.

§ 12-15-315.

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## **Dependency Case Process (cont'd)**

### **Notices of Permanency Hearings (to Parties):**

Other than detention, shelter-care, and 72-hour hearings, written notice of all hearings and hearings on the merits of the petition as otherwise provided in this rule shall be provided to all parties in the proceedings and shall include the date, time, place, and purpose of the hearings.

Rule 13(C), Ala.R.Juv.P.

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## **Dependency Case Process (cont'd)**

### **Notice to Relative Caregivers, Preadoptive Parents, and Foster Parents:**

\*Relative caregivers, preadoptive parents, and foster parents must be given notice, verbally or in writing, of the date, time, and place of any juvenile court proceeding held with respect to a child in their care.

\*These persons also have a right to be heard in any proceeding with respect to a child in their care.

\*No such persons shall be made a party to the proceeding solely on the basis of this notice and right to be heard.

\*The juvenile court shall ensure that the above notice is given.

§ 12-15-307; Rule 13(D), Ala.R.Juv.P.

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## **Dependency Case Process (cont'd)**

### **Permanency Plan Options:**

- Return home on a specific date.
- Permanent relative placement w/ transfer of custody to relative.
- Permanent relative placement w/ DHR retaining custody.
- Adoption w/ current foster parent.
- Adoption w/ no identified resource.
- Adult custodial care.
- Another permanent planned living arrangement (APPLA).
- Kinship guardianship

§ 12-15-315(a).

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## **AL Kinship Guardianship Subsidy Act**

\*Established kinship guardianships for possible permanent placements for children in foster care. If a kinship guardian meets certain qualifications and is appointed by a juvenile court, it is intended to be a permanent arrangement, and the kinship guardian can receive federal foster care maintenance payments.

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**AL Kinship Guardianship Subsidy Act  
(cont'd)**

\*Amended § 12-15-314, the dispositions Section of the Dependency Article, to provide that DHR may file a written request with the juvenile court for appointment of a kinship guardian, which may be appointed by the court if the court finds that an individual caregiver is qualified, certain requirements are met, and the best interests of the child will be served.

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**AL Kinship Guardianship Subsidy Act  
(cont'd)**

\*Amended § 12-15-315, the permanency hearing Section of the Dependency Article, to add a permanency plan option of kinship guardianship and, if this permanency plan option is chosen, to set out what the individualized service plan (ISP) must contain.

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## Dependency Case Process

### Items for Court to Address at Permanency Hearing:

\*Whether the DHR has made reasonable efforts to finalize any existing permanency plan for the child.

\*Consult with the child, in an age-appropriate manner, regarding the permanency plan and any transition plan to independent living.

\*In the case of a child who will not be returned home, consider in-state and out-of-state placement options.

\*If the child has been placed in foster care outside the State of Alabama, determine whether the out-of-state placement continues to be appropriate and in the best interests of the child.

§§ 12-15-315(a) and (b).

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## Termination of Parental Rights Process

### Termination of Parental Rights:

\*Filing of TPR petition by DHR, parent, agency, child, or other "interested person."

\*Mandatory filing by DHR if child has been in foster care 12/22 months, abandoned, or no reasonable efforts reasons.

\*3 Exceptions to Mandatory Filing:

\*Relative is Caring for Child.

\*Compelling Reason.

\*DHR not provided services.

§ 12-15-317, as amended by Act 2013-157.

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## Termination of Parental Rights Process (cont'd)

### Service and Trial:

Act 2013-157 – “The Best Interests of the Child Act of 2013”

- \*Amended § 12-15-318 to provide that if service of process has not been completed within 45 (formerly 90) days of the filing of the TPR petition, the petitioner shall request service by publication.
- \*Amended §12-15-320 to require completion of the trial on a TPR petition within 90 days after service of process has been perfected.

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## Termination of Parental Rights – Jurisdiction in JUVENILE COURT

- Act 2014-350, effective April 8, 2014, amended § 12-15-114 to provide that the juvenile court shall have exclusive original jurisdiction over all actions for the termination of parental rights.
- Additionally, Section 2 of the Act provided that “[t]he Legislature finds that its original intent in the adoption of Act 2008-277, the Alabama Juvenile Justice Act, was for a juvenile court to exercise exclusive original jurisdiction in all termination of parental rights proceedings. The amendatory language to Section 12-15-114, Code of Alabama 1975, provided in Section 1, is intended to be curative and shall apply retroactively for the purpose of ratifying and confirming the exercise of original jurisdiction of the juvenile court to hear and adjudicate termination of parental rights cases filed in juvenile court on and after January 1, 2009, and prior to the effective date of this act. Any order of a juvenile court issued while exercising jurisdiction pursuant to this section during that time shall be deemed valid in absence of an adjudication on appeal to the contrary.”

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## **Termination of Parental Rights**

**TPR Hearings** – given priority in scheduling over other nonjury trials – Rule 16(D), Alabama Rules of Judicial Administration; see also § 12-15-320(a).

**Grounds for TPR** – see § 12-15-319.

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## **Termination of Parental Rights (cont'd)**

### **Dispositions in TPR Actions:**

\*Permanent legal custody to DHR or public or private licensed child-placing agency.

\*Permanent legal custody to petitioner (formerly "relative or other individual").

§ 12-15-320(b).

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## **Termination of Parental Rights (cont'd)**

**Orders** – must be issued within 30 days of the trial – § 12-15-320(a); Rule 25(D), Ala.R.Juv.P.

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## **Appeals**

### **Appeals from Juvenile Court Proceedings:**

\*General right to appeal – given precedence over all other business of the court - § 12-15-601.

\*Appeals of dependency and TPR cases – priority over other cases except emergency matters - § 12-15-323.

\*Notice of appeal must be filed within 14 days of “entry of order or judgment” date (entry into State Judicial Information System) – Rules 1(A) and 28(C), Ala.R.Juv.P.

\*Where appeal is sent depends on “adequate record” determination by juvenile court judge or court reporter certification – Rules 28(A) and (B), Ala.R.Juv.P.

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Section 12-15-117.1

**Continuing jurisdiction of juvenile court to modify and enforce judgments.**

(a) The Legislature finds that it was its original intent in the adoption of the Alabama Juvenile Justice Act (Act 2008-277) for a juvenile court to retain continuing jurisdiction in all cases in its jurisdiction to the extent provided by law. Act 2012-383 is curative and shall apply retroactively to ratify and confirm the exercise of continuing jurisdiction of the juvenile court to modify and enforce a judgment in cases filed in juvenile court on or after January 1, 2009, and prior to May 14, 2012. Any order of a juvenile court issued while exercising jurisdiction pursuant to this subsection during this time shall be deemed valid.

(b) Nothing in Act 2012-383 shall affect the jurisdiction of the circuit courts over any custody, visitation, or support issues, or enforcement or modification of the same issues, that a circuit court exercised in cases filed on or after January 1, 2009, and prior to May 14, 2012.

*(Act 2012-383, p. 1011, §§2, 3.)*



STATE OF ALABAMA  
DEPARTMENT OF HUMAN RESOURCES  
Montgomery, Alabama

FAMILY SERVICES POLICY TRANSMITTAL

**TO:** COUNTY DIRECTORS OF HUMAN RESOURCES

**FROM:** Paul J. Butler, Director  
Family Services Division

**RE:** Administrative Letter No. 7216  
*Use of the Social Worker Guide for Working With the Courts*

**TYPE TRANSMITTAL** Other

**PROGRAM AREA** Foster Care/Permanency Planning

**EFFECTIVE DATE** November 1, 2006

**SUBJECT DESCRIPTION** To assist with prompt and early permanency planning for children in the care of the Department, counties are asked to begin to use the "Social Worker Guide for Working With the Courts" and forms created to assist in determining a child's relative resources at the earliest possible point in the case.

**CC:** Commissioner  
Deputy Commissioners  
SDHR Legal  
Ann Fontaine, HHS  
Family Services Management Team

**Approved:** Carolyn B. Lapsley  
Deputy Commissioner For  
Children And Family Services

**Signature:**

**Date:**

**Distribution:** Family And Children's Services Manual Holders

STATE OF ALABAMA  
DEPARTMENT OF HUMAN RESOURCES

Montgomery, Alabama

TO: Directors, County Department of Human Resources

FROM: Paul J. Butler, Director  
Family Services Division

RE: Use of "Social Worker Guide for Working With the Courts"

ACTION

- REQUIRED:
1. Review with Family Service Staff.
  2. Begin to use the attached forms immediately.

The Department of Human Resources, Family Services Division and the Administrative Office of Courts (AOC) are currently involved in discussions regarding expediting permanency hearings and TPR hearings to assist in the timely achievement of permanency for children in our care. The discussions involve our practice as well as court procedure. In anticipation of future DHR policy revision, we are sending county departments the attached document entitled "Social Worker Guide for Working With the Courts." Please review this document with your staff.

In order to locate relative resources and to have written information on relative resources of children in care Family Services and AOC developed the attached forms. We believe use of these will assist in the timely location of relatives to avoid court delays in permanency and TPR hearings. Effective immediately, please begin to use the attached forms: "Paternity Worksheet" (DHR-FCS-2189 for cases in which paternity is not established or is in question); "Relative Resource Identification" for mother and father (DHR-FCS 2190 & DHR-FCS 2191). These forms should be given to the parent/caretaker at the initial seventy-two hour hearing, and should be completed by the dependency/adjudicatory hearing. Child welfare staff should be ready to assist in the preparation of these forms with families. If the family does not cooperate in the completion of these forms, staff should seek the assistance of the court.

This administrative letter, the forms and the "Social Worker Guide..." can be accessed in Online Documents. To access the administrative letter, go to the Administrative Letters and Memoranda link. To access the forms, go to the Forms and Instructions/Foster Care link. The "Social Worker Guide..." can be accessed under Policy/Foster Care. At this time, we will not print the forms. County Departments must print the forms from the Online Documents and make copies.

If you have any questions, or comments, please contact Susan Sorrells, (334) 242-9500.

PJB

Attachments

CC: Commissioner  
Deputy Commissioners  
Legal Office  
District Administrative Specialists  
Family Services Management Staff  
Policy, Planning and Research  
Ann Fontaine, HHS/ACF, Atlanta Regional

STATE OF ALABAMA  
DEPARTMENT OF HUMAN RESOURCES  
Montgomery, Alabama

**FAMILY SERVICES POLICY TRANSMITTAL**

**TO:** COUNTY DIRECTORS OF HUMAN RESOURCES

**FROM:** Paul J. Butler, Director  
Family Services Division

**RE:** Administrative Letter 7216a  
"Social Worker Guide For Working With The Courts"  
Revised "Relative Resource Identification" Forms.

**TYPE TRANSMITTAL** Revised Policy and Forms

**PROGRAM AREA** Foster Care

**EFFECTIVE DATE** November 1, 2007

**SUBJECT DESCRIPTION** In October 2006 the "Social Worker Guide For Working With the Courts" was released along with forms for identifying relative resources. The forms for identifying relative resources early in the process of completing a family assessment have been revised to capture a child's Indian heritage and possible membership in an Indian tribe.

**CC:** Commissioner  
Deputy Commissioners  
SDHR Legal  
District Administrative Specialists  
Family Services Managers  
Policy, Planning and Research

**Approved:** Carolyn B. Lapsley  
Deputy Commissioner  
Children And Family  
Services

**Signature:**

**Date:**

**Distribution:** Family And Children's Services Manual Holders

**STATE OF ALABAMA  
DEPARTMENT OF HUMAN RESOURCES**

Montgomery, Alabama

**TO: COUNTY DIRECTORS OF HUMAN RESOURCES**  
**FROM:** Paul J. Butler, Director  
Family Services Division  
**RE:** Relative Resource Identification Forms (Mother and Father)  
DHR-FCS-2190 and DHR-FCS-2191

**ACTION**

- REQUIRED:**
1. Share with family services staff who work with foster care children;
  2. Begin to immediately use the revised forms that capture whether a child may be a member of an Indian tribe or eligible for membership in an Indian tribe;
  3. File this letter with *Permanency and Concurrent Planning Policy*.

The recently released *Indian Child Welfare Act Policy and Procedures* recognized the need to identify early in the assessment process whether children may be members of federally recognized Indian tribes or eligible for membership. To assist county workers to obtain this information early in their work with families, the two forms used to obtain relative information from parents or care givers at the adjudication hearing have been revised. (Refer to Administrative Letter 7216). The "Relative Resource Identification" forms now have a question for parents and caregivers to answer on the Indian tribal membership of a child entering care.

Changes have been made to the forms in Online Documents. This letter is available in Online Documents/Family Services/Administrative Letters and Memoranda. A copy of the letter and the revised forms will be sent to all Family and Children's Services Manual holders when printing is complete.

Please direct questions or comments to Margaret Livingston, Office of Child Welfare Policy at (334) 242-9500 or you may email questions to "CW Policy Intake" in your Global Address list.

PJB:ML

**Attachments**

**Cc:** Commissioner  
Deputy Commissioners  
SDHR Legal  
District Administrative Specialists  
Family Services Managers  
Policy, Planning and Research

**Distribution:** Family and Children's Service Manual Holders

DEPARTMENT OF HUMAN RESOURCES  
SOCIAL WORKER GUIDE FOR WORKING WITH THE COURTS

This guide was developed to assist DHR child welfare staff in understanding how they may work with the juvenile or family courts and judges in their counties to achieve safety and permanency for dependent children in a more timely manner. Child welfare staff whose work involves the court may use this guide to track completion of listed tasks. It is recognized that each juvenile or family court in the state operates differently, but all have the same basic conceptual framework.

### FILING OF DEPENDENCY PETITION

#### **\_\_\_\_\_ Allegations of dependency MUST address BOTH parents**

The Department is required to pursue child support for children in care making it crucial that information on the status and whereabouts of BOTH parents be addressed in the dependency petition. Because of emergency circumstances, child welfare staff may be unable to ascertain the identity, status, or whereabouts of a non-custodial parent, generally a legal or putative/alleged father. If child welfare staff is unable to immediately verify the legal status of a father by the filing of the dependency petition, they should contact the county Child Support Enforcement Unit (CSE) to determine if there is a legal father or if an alleged father has been named. It is preferable that contact with CSE be made prior to the 72-hour hearing, but no later than the date of the permanency hearing or the next court setting. The dependency petition shall allege dependency as to BOTH parents stating the rationale for each parent causing the dependency of the child. If appropriate, the dependency petition should include allegations that the Department has no information that a legal father has ever been established or that the whereabouts of a legal father are unknown.

#### **\_\_\_\_\_ Identify the father**

Preferably, child welfare staff should identify the father or determine the legal status of a father prior to the 72-hour hearing. Efforts must be made to address the status of the father by the permanency hearing or the next court setting. Parties who should be notified of the filing of a dependency petition include the parent's whose parental rights have not been terminated, including putative fathers. [Code of Alabama 1975, §26-17-5 – Ex parte Presse, 552 So. 2d406, 432 (Ala. 1989)]. Child welfare staff may use the following strategies to determine the status of the father.

- Obtain a copy of the child's birth certificate. The person listed on the birth certificate is not always the legal father. Therefore, always contact the county CSE Unit to determine whether the Department has identified and/or located alleged or putative fathers.

- Ascertain whether the alleged father signed an Affidavit of Paternity and, if possible, obtain a copy through the Department of Public Health, Vital Statistics.
- If the child was born after January 1, 1997, check the Putative Father Registry. (Refer to *Adoption Policies and Procedures*, Termination of Parental Rights, Section II (D) (2) for information on accessing the Putative Father Registry).
- Assist the mother in completing the Paternity Worksheet by the 72-hour hearing and no later than the permanency hearing or the next court setting. (See this appendix for Paternity Worksheet).

**\_\_\_\_\_ Provide clerk of the court with mailing addresses for parties**

If known, child welfare staff should provide the clerk of the court with mailing addresses of the parties in the case: parents (including putative fathers), assigned DHR social worker, guardian ad litem, and legal custodians if other than parent, and the DHR attorney. These individuals should be provided proper notice of court proceedings. It is the responsibility of the court clerk to notify the parties.

In order to prevent delays in permanency for a child, each county DHR should work with the county clerk of the court to assure that mailing addresses for parties are updated. The clerk of the court can determine how best to assure that the court's computer is updated and that all mailings, notices, subpoenas are sent to the most current mailing address. Updated addresses provided in court reports are insufficient to update the court's computer.

Parties in the Military: The Service Members Civil Relief Act provides for parties deployed in one or more of the United States Armed Forces to have certain rights to be represented in dependency or other types of cases before the court. Questions concerning the application of the Act or parties deployed in the service of the United States Armed Forces are directed to the DHR attorney.

**\_\_\_\_\_ Dependency Petitions Must Address**

- issues related to the danger, safety, and/or health of the child;
- whether a safety plan was in place prior to the filing of the dependency petition;
- services provided by DHR sufficient to demonstrate reasonable efforts, if any; and
- emergency circumstances relating to safety of the child that cause DHR to be unable to make reasonable efforts to prevent removal.

The dependency petition should state FACTS and OBSERVATIONS. Child welfare staff may be asked to testify and provide professional opinions and conclusions based on the facts and observations stated in the petition.

#### \_\_\_\_ **Pre-Adjudication Removal (Pick-Up) Order**

The pick-up order MUST contain this language: "Continuing placement of the child in the home is contrary to the welfare of the child. Further, it is in the best interest of the child to be removed from the home." Most pick-up orders are standard form orders and will have this language in the order. This language is required for federal foster care assistance.

State of Alabama law permits the removal of a child without a pick-up order (summary removal); however, law enforcement practices vary from county to county. Some law enforcement agencies will not pick up a child or accompany the DHR child welfare worker to pick up a child without a written pick up order. In some counties, law enforcement agencies pick up children without a pick up order and without DHR being present and deliver the child(ren) to the juvenile or family court. County Departments should work with the local juvenile intake office and with local law enforcement agencies and become familiar with local procedures.

If the child to be removed is a Native American Child, contact the DHR attorney for specific policy on the Indian Child Welfare Act.

#### \_\_\_\_ **Child Custody Affidavit**

A child custody affidavit must be filed with the dependency petition. Some counties will include the child custody affidavit in the intake form. This form will be provided by the juvenile court in each county.

#### \_\_\_\_ **Scheduling of Court Case**

Child Welfare staff should become familiar with the local juvenile or family court judge's procedures regarding the following:

- The appointment of attorney's for parents;
- The appointment of a guardian ad litem;
- The scheduling of 72-hour hearings; and
- Notification of dates and times of 72-hour hearings to parties and attorneys.

#### \_\_\_\_ **Shelter Care/72-Hour Hearing**

There must be a hearing within 72 hours (holidays and weekends included) of a pick up order issued as a result of a dependency petition. The child welfare worker appearing at the 72-hour hearing shall be prepared to present evidence and testimony in support of the Department's claim that the child(ren) needs to



remain in the Department's care and not be returned to the parents because of identifiable safety issues. The child welfare worker should be prepared to testify about the following:

- How the circumstances warranted emergency removal;
- What reasonable efforts, if any, were made to prevent removal; or
- What emergency circumstances existed preventing the Department from making reasonable efforts prior to removal.

Hearsay is admissible at a 72-hour hearing. Evidence presented at the 72-hour hearing is not evidence presented at the adjudicatory hearing.

Child welfare staff are to be aware of the status (active or inactive) of all the family's DHR records, including service records (CA/N records, ongoing protective service records, foster care records), food stamp, family assistance and child support.

#### **Potential Relative Resources**

Permanent plans for children begin when children enter care. Therefore, child welfare workers should be prepared to report on known potential relative resources at the 72-hour hearing. It is preferable to obtain parents' cooperation in providing the Department with all known potential relative resources at the 72-hour hearing, should the child(ren) not be returned to the parents at the 72-hour hearing. A "Relative Resource Identification Form" for the father and mother is located in this Appendix. If parents are reluctant to provide information on known relatives, the worker should seek assistance from the parents' attorney, guardian ad litem, or the court. Should parents be unwilling to provide known potential relative resources, the court may order the parents to complete the "Relative Resource Identification Form." If information from this form is not available at the 72-hour hearing, it should be complete by the adjudicatory hearing or in certain cases by the 30-day permanency hearing.

#### **Court Reports**

Each jurisdiction is unique and operates differently. In accordance with policy, court reports are required at adjudicatory hearings, six-month judicial reviews and prior to all permanency hearings. Child welfare staff will need to work with their local juvenile court to establish a procedure for providing the court, attorneys and other parties with periodic court reports. Some jurisdictions will elect to serve the parties with a copy of the court order, while other jurisdictions may request the Department to provide copies to all parties.

Court reports have no set format, but should include the following if applicable:

- Name(s) of child(ren) and date(s) of birth of child(ren);
- JU case number and DHR case number;
- Current address of mother (street and mailing addresses);
- Current address of father (street and mailing addresses);
- Legal status of father (i. e., child(ren) born of marriage, paternity established, putative father);
- Child(ren) last resided with parent on \_\_\_\_\_;
- Child(ren)'s custody placed with DHR on \_\_\_\_\_  
(List separately placements through a Voluntary Placement Agreement).
- Child(ren)'s current placement(s): Number of months child(ren) has been out of home in the past 22 months;
- Events necessitating placement with DHR;
- Past efforts made by DHR to prevent removal/reunite child(ren) with parent;
- Current efforts made by DHR to prevent removal/reunite child with parent;
- Efforts of the parents to avail themselves of services provided by DHR;
- Child support information (include information regarding DHR child support case and child support court case);
- Current condition of child(ren);
- Any information on child abuse/neglect recurrences or incidents of child abuse/neglect in foster care;
- Any information on foster care re-entries within 12 months of discharge from a prior episode;
- Documentation of visitation plans that have been incorporated into the ISP when working toward the goal of reunification or relative placement;
- Any information regarding foster children who may receive independent living services;
- Any information on children in foster care 12 months or less who have been placed in more than two placement settings;
- Permanency plan for the child(ren). Check one:
  - ( ) Return Home on a Specific Date;
  - ( ) Permanent Relative Placement with Transfer of Custody to the Relative;
  - ( ) Permanent Relative Placement with DHR Retaining Custody;
  - ( ) Adoption by Current Foster Parent;
  - ( ) Adoption with No Identified Resource;
  - ( ) Another Planned Permanent Living Arrangement (APPLA);
  - ( ) Adult Custodial Care

If termination of parental rights is used to achieve a permanency option, provide statement "Termination of Parental Rights (TPR) Necessary to Achieve Permanency Plan."

If an exception applies and TPR will not be pursued check one of the following:

- Relative Placement
- Services Not Provided
- Compelling Reason

Detail reasons for the permanency plans (s), including permanency as a result of TPR & TPR petition filing exception;

Certificate of Service providing all parties, including attorneys, a copy of the court report as well as attached exhibits (Court may do this);

Notification to approved relatives, pre-adoptive parents, or foster parents of notice of the hearing and opportunity to be heard (Court may do this). This should be done 72 hours prior to the court hearing, except for 72-hour hearing.

       **Court Hearings (Adjudication/Permanency)**

Child welfare staff is responsible for providing the clerk of the court appropriate names and mailing addresses of all parties. If a putative father has not been identified by the 72-hour hearing, his identity/whereabouts should be addressed at the permanency hearing.

## PATERNITY WORKSHEET

Child's Name: \_\_\_\_\_

Child's Date of Birth: \_\_\_\_\_

Mother's Name: \_\_\_\_\_

1. Was the mother married at the time of child's birth?  YES  NO  
If "YES," complete the information below. This is the child's LEGAL father.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

2. If the answer to 1. above is "NO," was the mother married at any time during the 300 days prior to the child's birth?  YES  NO  
If "YES," complete the information below. This is the child's LEGAL father.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

3. If both questions 1. and 2. above are answered "NO," did anyone acknowledge paternity at the time of the child's birth through an Affidavit of Paternity?  YES  NO  
If "YES," complete the information below. This is the child's LEGAL father.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

**PATERNITY WORKSHEET**

4. If all of the above (1 – 3) are answered "NO," is anyone listed as the father on the child's birth certificate?  YES  NO  
If "YES," complete the information below.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

5. If all of the above (1 – 4) are answered "NO," who do you believe is the child's biological father?

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Mother's Signature

\_\_\_\_\_  
Date

**NOTARIZATION**

Sworn to and Subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

WITNESS SIGNATURE (if notary is unavailable)

\_\_\_\_\_

\_\_\_\_\_  
Date

**RELATIVE RESOURCE IDENTIFICATION  
FATHER'S RELATIVES**

I/We, the undersigned parent(s) of \_\_\_\_\_  
(child's name)

am/are providing the following names to the \_\_\_\_\_ County Department of Human Resources as known potential relative resources for the possible placement of my/our child. I/We understand that these individuals will be contacted to determine if they are willing and able to serve as a placement resource for my/our child until such time as my/our child may be reunified with me/us, and I/we give my/our permission to the County DHR to make contact with individuals for that purpose. I/We understand that my/our child will not be placed with any such individual named herein until such time as the individual has been subjected to an appropriate criminal background check, DHR child abuse/neglect check, DHR child protective services check, and home study. I/We further understand that such placement may require court approval. Finally, I/we agree that I/we will provide information on any additional relative resources as soon as we have such information.

The federal Indian Child Welfare Act requires that states identify whether children and families are members or eligible to become members of certain Indian tribes. Are you, the father, a member or eligible for membership in an Indian tribe? \_\_\_\_\_ YES \_\_\_\_\_ NO. If yes, please provide the name of the tribe: \_\_\_\_\_

(1) Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

(2) Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

(3) Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

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**RELATIVE RESOURCE IDENTIFICATION**  
**FATHER'S RELATIVES**

(4) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

(5) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

(6) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

(7) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

(8) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Father's Signature

\_\_\_\_\_  
Date

**RELATIVE RESOURCE IDENTIFICATION  
MOTHER'S RELATIVES**

I/We, the undersigned parent(s) of \_\_\_\_\_  
(child's name)

am/are providing the following names to the \_\_\_\_\_ County Department of Human Resources as known potential relative resources for the possible placement of my/our child. I/We understand that these individuals will be contacted to determine if they are willing and able to serve as a placement resource for my/our child until such time as my/our child may be reunified with me/us, and I/we give my/our permission to the County DHR to make contact with individuals for that purpose. I/We understand that my/our child will not be placed with any such individual named herein until such time as the individual has been subjected to an appropriate criminal background check, DHR child abuse/neglect check, DHR child protective services check, and home study. I/We further understand that such placement may require court approval. Finally, I/we agree that I/we will provide information on any additional relative resources as soon as we have such information.

The federal Indian Child Welfare Act requires that states identify whether children and families are members or eligible to become members of certain Indian tribes. Are you, the mother, a member or eligible for membership in an Indian tribe? \_\_\_\_\_ YES \_\_\_\_\_ NO. If yes, please provide the name of the tribe: \_\_\_\_\_

- (1) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (2) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (3) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_



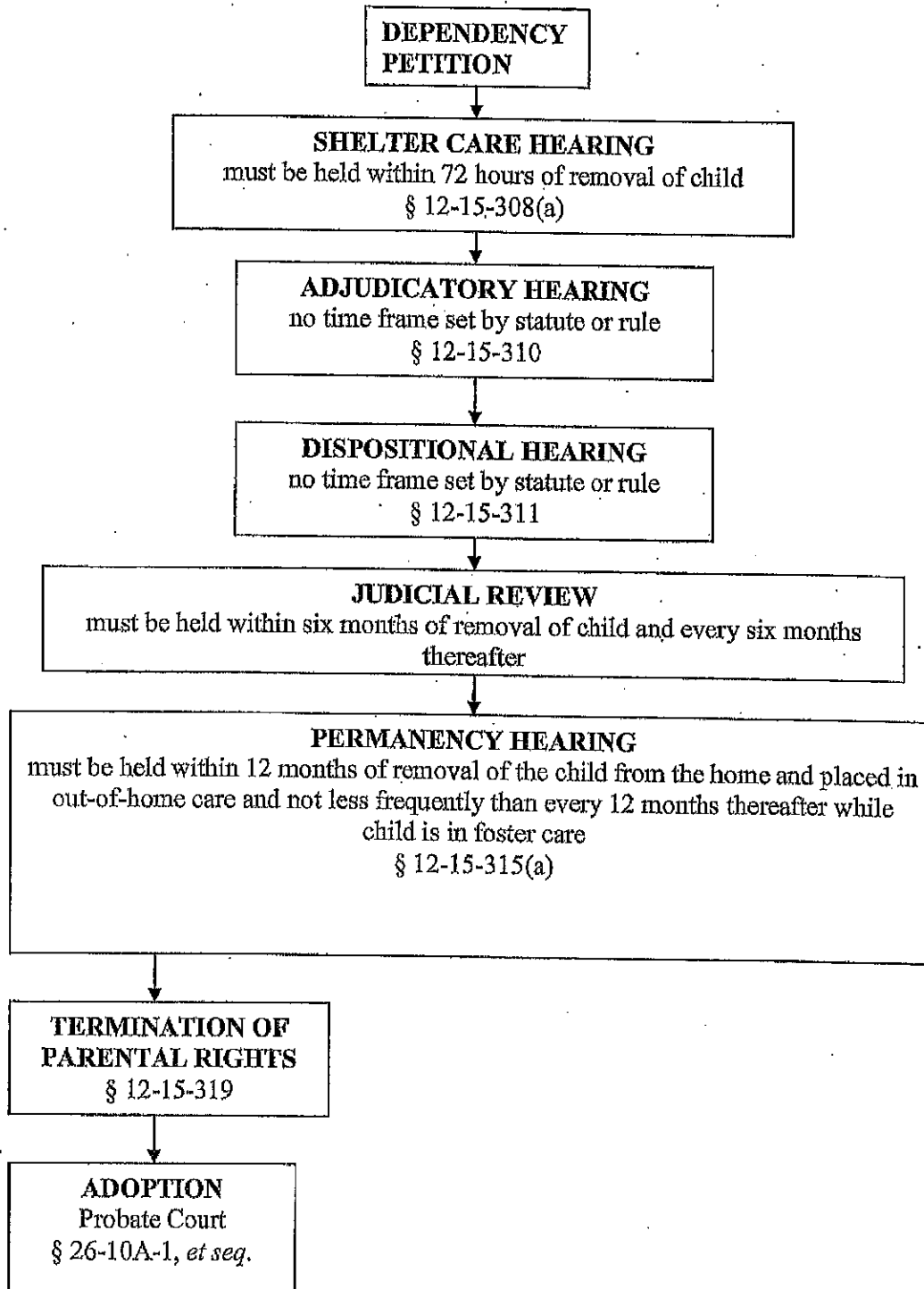
**RELATIVE RESOURCE IDENTIFICATION  
MOTHER'S RELATIVES**

- (4) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (5) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (6) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (7) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_
- (8) Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Mother's Signature

\_\_\_\_\_  
Date

**SUMMARY OF HEARINGS FOR CHILDREN IN FOSTER CARE IN ALABAMA**



# COMPLAINT (Affidavit)

Court Case Number \_\_\_\_\_

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF A CHILD:

Child's Name: \_\_\_\_\_ AKA: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_  
 SSN: \_\_\_\_\_ School: \_\_\_\_\_ Grade: \_\_\_\_\_  
 Father: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_  
 Mother: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_  
 Lives with: \_\_\_\_\_ Relationship: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_  
 Legal Guardian: \_\_\_\_\_ Relationship: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_

Alleged Violation or Incident: \_\_\_\_\_ Date of Occurrence: \_\_\_\_\_  
 Place of Occurrence: \_\_\_\_\_  
 Category:  Delinquency  Dependency  Child in Need of Supervision (CHINS)  Violation of Probation/Aftercare  
 Agency (if applicable): \_\_\_\_\_ Agency Case Number: \_\_\_\_\_  
 Documents attached and incorporated into this Complaint by reference: (check all that apply)  
 Incident/Offense Report  Supplemental I/O Report  Arrest Report  Traffic Ticket/Complaint (UTTC)  
 Additional Pages  Other: (describe) \_\_\_\_\_

Facts of Violation/Incident: (For a delinquency or CHINS complaint, include the date, time, place, co-defendants and ages, victim information, approximate value of property taken/damaged/received, and description of the specific offense committed. For a dependency complaint, identify the abuse, neglect or inadequate care suffered by the child, the place of the abuse or neglect or inadequate care, the extent of any injury, the name and relationship of the person responsible for the abuse, neglect or inadequate care of the child. State actions taken or reasons for taking the child into custody, if applicable.)

Complainant's Name: (printed) \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address or Agency: \_\_\_\_\_

I swear or affirm that I have knowledge of the facts set forth in this Complaint or am informed of them and believe that they are true.

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME: \_\_\_\_\_  
 Date \_\_\_\_\_ Signature of Juvenile Court Intake Officer or Notary Public \_\_\_\_\_

TO BE COMPLETED BY INTAKE OFFICER

- I have examined the information provided above and determined that  subject matter jurisdiction  venue probable cause **IS/ARE NOT** legally sufficient to warrant the receipt of this complaint as provided for in Rule 12, Ala.R. Juv.P.  
 I have examined the information provided above and determined that subject matter jurisdiction, venue and probable cause, as alleged, **ARE** legally sufficient to warrant the receipt of this complaint as provided for in Rule 12, Ala.R. Juv.P.

Complaint Denied/Received: \_\_\_\_\_  
 Date \_\_\_\_\_ Time \_\_\_\_\_ Signature of Juvenile Court Intake Officer \_\_\_\_\_

ACTION TAKEN: \_\_\_\_\_

# PETITION

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child. Date of Birth or Age: \_\_\_\_\_

Child's Residence Address: \_\_\_\_\_

Child's Father: \_\_\_\_\_ Residence Address: \_\_\_\_\_

Child's Mother: \_\_\_\_\_ Residence Address: \_\_\_\_\_

Child's Legal Guardian(s) Or  
Legal Custodian(s): \_\_\_\_\_ Residence Address: \_\_\_\_\_

Other Adult Relative  
(if required by law): \_\_\_\_\_ Residence Address: \_\_\_\_\_

Petitioner: \_\_\_\_\_ Address for Notice: \_\_\_\_\_

The child is alleged to be  DELINQUENT  DEPENDENT  IN NEED OF SUPERVISION and in need of care, rehabilitation or supervision for the allegation of \_\_\_\_\_ Ala. Code 1975, Section \_\_\_\_\_ in that;

(if applicable) The child was taken into custody and placed into detention at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_.

I, being 18 years or older, swear or affirm that I have knowledge of the facts alleged or am informed of these facts and believe that they are true.

Date: \_\_\_\_\_ Petitioner's Signature: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME:

Date: \_\_\_\_\_ Juvenile Court Intake Officer or Notary Public:

A PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD CAN BE MADE A PARTY TO THE DELINQUENCY OR CHILD IN NEED OF SUPERVISION CASE PURSUANT TO ALA. CODE 1975, §12-15-113. A PERSON MADE A PARTY TO THIS CASE MAY BE REQUIRED TO PAY ATTORNEY FEES, TO PAY FOR EVALUATION AND TREATMENT, TO PAY FINES, COURT COSTS, AND RESTITUTION, AND TO PAY FOR CARE, SUPPORT, AND SUPERVISION OF THE CHILD. A PERSON MADE A PARTY MAY BE SUBJECT TO OTHER ORDERS ALSO. FAILURE TO COMPLY WITH THE ORDERS OF THE COURT CAN RESULT IN CONTEMPT PROCEEDINGS, AND FAILURE TO MAKE PAYMENTS ORDERED CAN RESULT IN A CIVIL JUDGMENT FOR THE COLLECTION OF THE PAYMENTS ORDERED.

I certify that I have been duly designated an Intake Officer of the Court according to Ala. Code 1975, § 12-15-102(11). Based on a verified complaint which was received \_\_\_\_\_, at \_\_\_\_\_ m., and alleged, contained legally sufficient information to establish subject-matter jurisdiction, venue and probable cause, I have determined that the filing of this petition is in the best interests of the the public and/or the child.

Date: \_\_\_\_\_ Signature of the Juvenile Court Intake Officer: \_\_\_\_\_

Ala. Code 1976, §§ 12-15-120(a); 12-15-121; Rule 12, Ala.R.Juv.P.

COURT RECORD: (Original)

PARENT/LEGAL GUARDIAN/LEGAL CUSTODIAN: (Copy)

CHILD: (Copy)

D.H.R. or D.A.: (Copy)

G.A.L. or Attorney: (Copy)

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**JUVENILE COURT INTAKE OFFICER'S  
ENDORSEMENT ON A PETITION**

Court Case Number

In The Juvenile Court of \_\_\_\_\_ County, Alabama  
*(Name of County)*  
In the Matter of \_\_\_\_\_ a child,  
*(Name of Child)*

I certify that I have been duly designated an Intake Officer of the Court according to Ala. Code 1975, § 12-15-102(11). Based on a verified complaint which was received on \_\_\_\_\_  
*(date)*  
at \_\_\_\_\_  
*(time)* M., and, as alleged, contained legally sufficient information to establish subject-matter jurisdiction, venue and probable cause, I have determined that the filing of the petition is in the best interests of the public and/or the child.

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Juvenile Court Intake Officer)*

Ala. Code 1975, § 12-15-102(11); Rule 12, Ala.R.Juv.P.

# CHILD CUSTODY PROCEEDING AFFIDAVIT

Court Case Number

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Circuit, District or Probate) (Name of County)

[Check one of the following boxes]:

In the matter of \_\_\_\_\_, a child  
(Name of Child)

In the matter of the Adoption Petition of [Full Name(s) and Age(s) of Petitioner(s) and His/Her/Their Residence Address(es), Including City(ies) or Town(s), State(s), and Zip Code(s)]:

\_\_\_\_\_ v. \_\_\_\_\_  
Plaintiff Defendant

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
who first by me being duly sworn, on oath, provides the following: (Name of Affiant)  
**Child's present address or whereabouts:** \_\_\_\_\_

**Place(s) where the child has lived in the past five years:** \_\_\_\_\_

**Name(s) and present address(es) of the person(s) with whom the child has lived in the past 5 years:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

I have participated as a party or witness in the following custody or visitation proceeding(s) concerning this child.

[Check whether you were a party or witness, the court in which the case was filed, the case number, and the date of the custody determination]:

Party  Witness  
Name of Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Date of Custody Det.: \_\_\_\_\_

Party  Witness  
Name of Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Date of Custody Det.: \_\_\_\_\_

Party  Witness  
Name of Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Date of Custody Det.: \_\_\_\_\_

Party  Witness  
Name of Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Date of Custody Det.: \_\_\_\_\_

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## CHILD CUSTODY PROCEEDING AFFIDAVIT

Court Case Number

I have knowledge of the following proceedings (including proceedings relating to domestic violence, protection from abuse, termination of parental rights, and adoption) that may affect the current case:

Type of Case: \_\_\_\_\_  
Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
Court: \_\_\_\_\_  
Case Number: \_\_\_\_\_

I have knowledge of the following person(s) who have physical custody of the child other than the parties:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of Affiant*

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Signature of Judge/Clerk/Magistrate/Notary Public*

# JUVENILE COURT SUMMONS

Form JU-8 Rev. 5/2017

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
*Name of County*

In the Matter of \_\_\_\_\_, a child  
*Name of Child*

NOTICE TO: \_\_\_\_\_  
*Name* *Address*

A PETITION ALLEGING DELINQUENCY, IN NEED OF SUPERVISION, OR DEPENDENCY, OR TERMINATION OF PARENTAL RIGHTS HAS BEEN FILED IN THIS COURT CONCERNING THE ABOVE-NAMED CHILD. A COPY OF THAT PETITION IS ATTACHED TO THIS SUMMONS.

YOU MUST APPEAR BEFORE THE COURT AT THE DATE, TIME, AND PLACE BELOW TO ANSWER OR TESTIFY AS TO THE ALLEGATIONS OF THE PETITION.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_ AM/PM  
Room: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Clerk*

## TO ANY PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN (CONCERNING THE PETITION ALLEGING DELINQUENCY, IN NEED OF SUPERVISION, OR DEPENDENCY ONLY)

You, the parent, legal custodian, or other legal custodian, having custody or control of the above-named child, must appear and bring the above-named child before the court at the time fixed to answer or testify as to the allegations in the attached petition. Also, you, as the parent, legal guardian, or legal custodian, are hereby notified that you may be made a party to this proceeding pursuant to Ala. Code 1975, §12-15-113 and Rule 31, Alabama Rules of Juvenile Procedure, and have a right to an attorney if you are unable to afford one. Please notify the court if your address changes.

## TO ANY LAW ENFORCEMENT OFFICER OR OTHER AUTHORIZED PERSON:

You are ordered to serve the above summons and a copy of the petition as directed to each person named above.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Clerk*

I certify that I personally served a copy of this summons and petition on \_\_\_\_\_

\_\_\_\_\_  
*Name(s) and Date of Service*

\_\_\_\_\_  
*Signature of Server*

Ala. Code 1975, § 12-15-122; Rule 13, Ala.R.Juv.P.





IN THE JUVENILE OR FAMILY COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
 (Name of County)

In the Matter of \_\_\_\_\_, a child  
 On \_\_\_\_\_, a shelter care hearing was held.  
 (date)

Note: Check which parties and attorneys or others who were present at the hearing, place their names in the blanks, and check whether or not the attorneys were appointed or retained:

	Child's Attorney		Appt	Rtnd
<input type="checkbox"/> Child _____	<input type="checkbox"/> Guardian ad item (GAL) _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> DHR Worker _____	<input type="checkbox"/> Attorney _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> Mother _____	<input type="checkbox"/> Atty/GAL _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> Father (if known) _____	<input type="checkbox"/> Atty/GAL _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> Custodian _____	<input type="checkbox"/> Attorney _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> Other _____	<input type="checkbox"/> Attorney _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd
<input type="checkbox"/> Foster parents _____	<input type="checkbox"/> Attorney _____		<input type="checkbox"/> Appt	<input type="checkbox"/> Rtnd

The Court, having considered the  agreement  stipulation of facts  relevant and material evidence presented, the Court finds in accordance with the requirements of Public Law 96-272, as amended by Public law 105-89, and Ala. Code 1975, §12-15-312 as follows [CHECK WHICH BOXES ARE APPLICABLE]:

1. That continuation of the residence of the child in his or her home would be contrary to the welfare of the child because:  
 After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the finding in the court report;  
 After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the findings of the Department in its court report, as follows:

*[In this section, the court must state reasons why the child was removed from the home and cannot be returned home.]*

2. That the efforts made by the Department to prevent the removal of the child from his or her home:  
 were  were not reasonable. The Department's efforts consisted of the following:  
 After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_ and based on the testimony of the parties, I incorporate into this Order the efforts described in the court report;  
 After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_ and based on the testimony of the parties, I modify the findings in the court report, as follows:

3. That an emergency situation exists which requires the immediate temporary removal of the child from his/her home and that under the conditions described in the Department's attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_ reasonable efforts were not required/appropriate because of the emergency situation, as follows:

ORDER OF SHELTER CARE

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_ and based on the testimony of the parties, I incorporated into this Order the efforts described in the report;

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_ and based on the testimony of the parties, I modify the finds in the court report, as follows;

[Note: The following items only need to be completed if these situations apply]:

- That reasonable effort is not required to be made because:
- The parental rights of  the mother  the father to \_\_\_\_\_, a sibling has been involuntarily terminated;
  - This court has determined that  the mother  the father has subjected  the child or  a sibling of the child to an aggravated circumstance, specifically \_\_\_\_\_, and the risk of child abuse or neglect is too high for the child to remain at home safely or to be returned home.
  - This court has determined that  the mother  the father committed  murder pursuant to Ala. Code 1975, §13A-6-2, or  manslaughter pursuant to Ala. Code 1975, §13A-4-\_\_\_\_, of \_\_\_\_\_, to  another child of the parent or  the other parent of the child, as shown in Case No. \_\_\_\_\_;
  - This court has determined that  the mother  the father committed  Assault 1<sup>st</sup> pursuant to Ala. Code 1975, §13A-6-22,  Assault 2<sup>nd</sup> pursuant to Ala. Code 1975, §13A-6-23, which resulted in the serious bodily injury to the child or \_\_\_\_\_,  another child of such parent or  the other parent of the child.

A permanency hearing is scheduled to take place at \_\_\_\_\_, which is within 30 days from today's date.

It is hereby ORDERED, ADJUDGED, and DECREED as follows [CHECK WHICH BOXES ARE APPLICABLE]:

- The child is released to custody of \_\_\_\_\_ pending trial under the attached terms and conditions.
- Custody of the child is transferred to the \_\_\_\_\_ County Department of Human Resources, pendente lite. With the Department having discretion in planning and placement pending an adjudicatory/disposition hearing in \_\_\_\_\_ days.
- That the  GAL  child's attorney shall perform the following duties:
- That the Department shall schedule an Individualized Service Plan (ISP) meeting with all parties present.
- This matter is set for docket call on \_\_\_\_\_ at \_\_\_\_\_ for the trial week of \_\_\_\_\_. All parties and attorneys must be present.
- Case is DISMISSED.
- Other:

DONE and ORDERED: \_\_\_\_\_

(Date) (JUDGE)

**ORDER OF ADJUDICATION OF  
DEPENDENCY/DISPOSITION**

Court Case Number

JU-25 Sample Rev. 6/2016

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child

Date of adjudicatory hearing: \_\_\_\_\_

Note: Check which parties and attorneys or others were present at the hearing, place names in the blanks, and check whether or not the attorneys appointed retained.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Child _____          | <input type="checkbox"/> Child's Attorney _____ | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> DHR worker _____     | <input type="checkbox"/> GAL _____              | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> Mother _____         | <input type="checkbox"/> Attorney _____         | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> Father _____         | <input type="checkbox"/> Atty/GAL _____         | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> Custodian _____      | <input type="checkbox"/> Atty/GAL _____         | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> Other _____          | <input type="checkbox"/> Attorney _____         | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |
| <input type="checkbox"/> Foster Parents _____ | <input type="checkbox"/> Attorney _____         | <input type="checkbox"/> Appt. <input type="checkbox"/> Rtn. |

The Court having considered the  agreement  stipulation of facts  evidence presented, the Court finds as follows  
[CHECK WHICH BOXES ARE APPLICABLE]:

1. That continuation of the residence of the child in his or her home would be contrary to the welfare of the child because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the findings in the court report.
2. That based on clear and convincing evidence, competent, material, and relevant in nature, the above-named child is dependent pursuant to § 12-15-102(8), Ala.Code 1975, based on the following facts:
- (a) That the efforts made by the Department to prevent the removal of the child from his or her home  were  were not reasonable. The Department's efforts consisted of the following:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the findings in the court report.
- (b) That an emergency situation exists which requires the immediate temporary removal of the child from his or her home and that under the conditions described in the Department's attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, reasonable efforts were not required/appropriate because of the emergency situation as follows:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the findings in the court report.

ORDER OF ADJUDICATION OF  
DEPENDENCY/DISPOSITION

Court Case Number

[Note: The following items need to be completed only if these situations apply]:

- (c) That reasonable efforts ARE NOT REQUIRED to be made because:
  - the parental rights of  the mother  the father to a sibling have been involuntary terminated: \_\_\_\_\_
  - this court has determined that  the mother  the father has subjected  the child or  a sibling of the child to an aggravated circumstance, specifically \_\_\_\_\_, and the risk of child abuse or neglect is too high for the child to remain at home safely or to be returned home.
  - this court has determined that  the mother  the father committed  murder pursuant to § 13A-6-2, Ala.Code 1975, or  manslaughter pursuant to § 13A-6-3, Ala.Code 1975, of \_\_\_\_\_  another child of the parent or  the other parent of the child, as shown in Case No. \_\_\_\_\_;
  - this court has determined that  the mother  the father aided or abetted, attempted, conspired, or solicited to commit  murder or  manslaughter pursuant to § 13A-4-\_\_\_\_\_, Ala.Code 1975, of \_\_\_\_\_  another child of the parent or  the other parent of the child, as shown in Case No. \_\_\_\_\_;
  - this court has determined that  the mother  the father committed  Assault 1<sup>st</sup> pursuant to § 13A-6-22, Ala.Code 1975,  Assault 2<sup>nd</sup> pursuant to § 13A-6-23, Ala.Code 1975, which resulted in the serious bodily injury to the child or \_\_\_\_\_,  another child of the parent, or  the other parent of the child.

A permanency hearing is scheduled to take place at \_\_\_\_\_, which is within 30 days from today's date.

It is hereby ORDERED, ADJUDGED, and DECREED as follows [CHECK WHICH BOXES ARE APPLICABLE]:

- Dismissed  on Motion of Petition  for Lack of Prosecution  on Failure of proof
- Petition sustained  Adjudicated Dependent.
- Custody transferred to  \_\_\_\_\_ County Department of Human Resources  \_\_\_\_\_
- Discretion in planning and placement  Placement with \_\_\_\_\_
- DHR to supervise for \_\_\_\_\_  Other \_\_\_\_\_

Case to be set for:  Dispositional Review on: \_\_\_\_\_ (date)  Permanency Hearing on: \_\_\_\_\_ (date)  
 DHR relieved of making reasonable efforts to reunite the parents with the child.

Court Costs:  Waived  Taxed to \_\_\_\_\_  Prepaid  Let execution

\* All dispositional alternatives provided by § 12-15-314, Ala.Code 1975, will be available to the Court.

Attorney Fees	Amount							
_____	_____	taxed to _____	<input type="checkbox"/>	Recoupment by _____	<input type="checkbox"/>	Waived	<input type="checkbox"/>	Relieved
_____	_____	taxed to _____	<input type="checkbox"/>	Recoupment by _____	<input type="checkbox"/>	Waived	<input type="checkbox"/>	Relieved
_____	_____	taxed to _____	<input type="checkbox"/>	Recoupment by _____	<input type="checkbox"/>	Waived	<input type="checkbox"/>	Relieved

The parties are hereby notified of their right to file a written notice of appeal within fourteen (14) days of this Order being entered into the State Judicial Information System (SJIS).

See page 2 for additional terms, conditions, and/or findings.

DONE and ORDERED \_\_\_\_\_  
(date) \_\_\_\_\_ JUDGE

§§ 12-15-310, 12-15-311, 12-15-312, 12-15-314, Ala.Code 1975

# PERMANENCY HEARING ORDER

[RETURN HOME ON A SPECIFIC DATE]

Court Case Number

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

### APPEARANCES

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

\* Federal law and state law (Section 12-15-315(a), Ala.Code 1975) require age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.  I have ensured this consultation with the child was given.

\*\*  If one or more of these persons who are caring for the child under the responsibility of the department are not present, I have ensured that they have received notice of this hearing.

### THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

1. Efforts were made by the Department, following the placement of the above-named child into foster care, to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child and such efforts  were  were not reasonable as follows:
- After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the Department's description of its efforts to reunify the family;
  - After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify the Department's description of its efforts to reunify the family, as follows:
2. The conditions or circumstances leading to the removal of the child have been corrected and it is now safe to return the child home because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why the child's returning home is now safe;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation why the child's returning home is now safe as follows:
3. Recent visitation between the child and \_\_\_\_\_ [name of the parent to whom the child is to be returned] demonstrates the safety and appropriateness of the child's return home, as follows:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I  incorporate into this Order the Department's description of recent visitation and its effect on the child; or  incorporate into this Order the Department's explanation why recent visitation supports its recommendation that the child is to be returned home;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I  modify the Department's description of recent visitation and its effect on the child; or  modify the Department's explanation why recent visitation supports its recommendation that the child is to be returned home as follows:

**PERMANENCY HEARING ORDER  
[RETURN HOME ON A SPECIFIC DATE]**

- 4. If the child is 14 years of age or older, as long as the Department continues supervision, the following services are needed to assist the child in making the transition to successful adulthood, as follows (Note: If the child is less than 14 years of age or if independent living services are provided, leave this space blank):
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement about the services the child needs to make the transition to successful adulthood;
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement about the services the child needs to make the transition to successful adulthood, as follows:
- 5. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

**THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:**

- 1. The child shall be returned to the physical and legal custody of \_\_\_\_\_ [name of the parent] on \_\_\_\_\_ (date).
- 2. The Department shall implement the following plan, including a plan of supervision and support, to ensure the safe and nondisruptive return of the child to \_\_\_\_\_ [name of the parent].

Note: The court-approved plan might incorporate into this Order or modify the Department's proposed plan with attachments and references to date and page number.

- 3. The next hearing in this case shall be a review hearing and shall take place at \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (date) in \_\_\_\_\_ (location of hearing).

SIGNED this \_\_\_\_\_ Date

\_\_\_\_\_  
Judge

**PERMANENCY HEARING ORDER**  
**PERMANENT RELATIVE PLACEMENT WITH**  
**(Check which one is applicable):**  
 **Transfer of Custody to the Relative**  
 **DHR Retaining Custody**

Court Case Number

IN THE JUVENILE OR FAMILY COURT OF \_\_\_\_\_ COUNTY, ALABAMA

(Name of County)

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

**APPEARANCES**

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

\* Federal law and state law (Section 12-15-315(a), Ala.Code 1975) requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.  I have ensured this consultation with the child was given.

\*\*  If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing.

**THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE] :**

1. Efforts made by the Department, following placement of the above-named child into foster care,  were  were not reasonable to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child, as follows:
- After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the Department's description of its efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report;
  - After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify the Department's description of its efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report; as follows:
2. It will not be safe to return the child home because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical, as follows:
3. Termination of parental rights is not in the best interests of the child because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why termination of parental rights would not benefit the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why termination of parental rights would not benefit the child, as follows:



PERMANENCY HEARING ORDER  
PERMANENT RELATIVE PLACEMENT WITH  
(Check which one is applicable):

Court Case Number

Transfer of Custody to the Relative  DHR Retaining Custody

- 4. It is not in the best interests of the child to permanently place the child with an individual or couple serving as permanent custodians or permanent guardians because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians as follows:
  
- 5. The relatives who are foster parents are fully capable of and committed to permanently caring for the child because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the related foster parents are fully capable of and committed to permanently caring for the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child, as follows:
  
- 6. The child will be safe from further harm by the child's parents because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the child will be safe from further harm by the child's parents;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's description in its court report as to why the child will be safe from further harm by the child's parents, as follows:
  
- 7. The Department has fully counseled the relatives concerning available financial assistance and the availability of more permanent and legal secure placement options, as follows:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options, as follows:
  
- 8. *If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank]:*
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:

**PERMANENCY HEARING ORDER**  
**[PERMANENT RELATIVE PLACEMENT WITH**

(Check which one is applicable):  
 Transfer of Custody to the Relative     DHR Retaining Custody

9. If the child is 14 years of age or older, as long as the Department continues supervision, the following services are needed to assist the child in making the transition to successful adulthood (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):

After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement in its court report concerning the services the child needs to transition to successful adulthood;

After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement in its court report concerning the services the child needs to transition to successful adulthood, as follows:

[Note: The phrase "as long as the Department continues supervision" only applies to the option of "Permanent Relative Placement with Transfer of Custody to the Relative." If the other option is used, please mark out this phrase in number 9 above].

10. At this hearing, I have considered both in-state and out-of-state placement options for the child.

11. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

**THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:**

1. The child shall remain in the custody of the Department and be placed in related foster care on a permanent basis with his or her relatives, \_\_\_\_\_, on a permanent basis.  
(names of relatives)

2. The Department shall implement the following plan to ensure the stability of the foster placement:

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's proposed plan in the court report;

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's proposed plan in the court report, as follows:

Other: \_\_\_\_\_

3. The next hearing in this case shall be a review hearing and shall take place at \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (date) in \_\_\_\_\_ (location of hearing).

4. Custody shall be transferred to \_\_\_\_\_ (names of relatives) with the clear expectation that they will raise the child to the age of majority.

5. This case is closed to further review from this Court.

SIGNED this \_\_\_\_\_ Date

\_\_\_\_\_  
Judge

PERMANENCY HEARING ORDER  
KINSHIP GUARDIANSHIP

Court Case Number

IN THE JUVENILE OR FAMILY COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

APPEARANCES

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

- \* Federal law and state law (Section 12-15-315(a), Ala.Code 1975) requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.  I have ensured this consultation with the child was given.
- \*\*  If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing.

THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

1. Efforts made by the Department, following placement of the above-named child into foster care,  were  were not reasonable to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child, as follows:
- After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the Department's description of its efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report;
  - After reviewing the attached written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify the Department's description of its efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report; as follows:
2. It will not be safe to return the child home because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical, as follows:
3. Termination of parental rights is not in the best interests of the child because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why termination of parental rights would not benefit the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why termination of parental rights would not benefit the child, as follows:

- 4. It is in the best interests of the child to permanently place the child with an individual or couple serving as kinship guardians because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as either permanent custodians or permanent guardians as follows:
  
- 5. The relatives who are foster parents are fully capable of and committed to permanently caring for the child because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the related foster parents are fully capable of and committed to permanently caring for the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child, as follows:
  
- 6. The child will be safe from further harm by the child's parents because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the child will be safe from further harm by the child's parents;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's description in its court report as to why the child will be safe from further harm by the child's parents, as follows:
  
- 7. The Department has fully counseled the relatives concerning available financial assistance and the availability of more permanent and legal secure placement options, as follows:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report as to available financial assistance and the availability of more permanent and legal secure placement options, as follows:
  
- 8. *If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this space blank]:*
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:

**PERMANENCY HEARING ORDER**  
**KINSHIP GUARDIANSHIP**

Court Case Number

9. *If the child is 14 years of age or older, as long as the Department continues supervision, the following services are needed to assist the child in making the transition to successful adulthood (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):*
- After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement in its court report concerning the services the child needs to transition to successful adulthood;*
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement in its court report concerning the services the child needs to transition to successful adulthood, as follows:*
10. At this hearing, I have considered both in-state and out-of-state placement options for the child.
11. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

**THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:**

1. Custody shall be transferred to \_\_\_\_\_ (names of relatives) with the clear expectation that they will raise the child to the age of majority.
2. This case is closed to further review from this Court.

SIGNED this \_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

### PERMANENCY HEARING ORDER - Adoption

Court Case Number

(Check which one is applicable):

- BY CURRENT FOSTER PARENT  
 WITH NO IDENTIFIED RESOURCES

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

#### APPEARANCES

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

\* Federal law and state law (Section 12-15-315(a) Ala.Code 1975) requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.

I have ensured this consultation with the child was given.

\*\*  If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing.

#### THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

1. Efforts made by the Department, following the placement of the above-named child into foster care,  were  were not reasonable to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child, as follows:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify the Department's description of its efforts to reunify the family and, if applicable, to arrange and to finalize a new permanent home described in the court report, as follows:
2. It is not and will not be safe to return the child home because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why returning the child home is not and will not be possible or appropriate;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why returning the child home is not and will not be possible or appropriate, as follows:

PERMANENCY HEARING ORDER - ADOPTION

Court Case Number

(Check which one is applicable):

BY CURRENT FOSTER PARENT  WITH NO IDENTIFIED RESOURCES

- 3. Placing the child for adoption is an appropriate plan because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why adoption is an appropriate plan for the child and why it appears to be a practical goal if parental rights are terminated;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why adoption is an appropriate plan for the child and why it appears to be a practical goal if parental rights are terminated as follows:
- 4. The following is the Department's timetable to petition for termination of parental rights and its plan for the child's adoption. [Note: The plan should set forth specific tasks, times, and dates to prepare for and initiate termination of parental rights proceedings]:
- 5. If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [NOTE: If the child is placed in the same state as one or both of the child's parents, leave this space blank]:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:
- 6. If the child is 14 years of age or older, as long as the Department continues supervision, the following services are needed to assist the child in making the transition to successful adulthood, as follows (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement about the services the child needs to make the transition to successful adulthood;
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement about the services the child needs to make the transition to successful adulthood, as follows:

[Note: The phrase "as long as the Department continues supervision" only applies to the option of "Adoption by Current Foster Parent." If the option "Adoption with No Identified Resources" is chosen, mark this phrase out in number 6 above].

- 7. At this hearing, I have considered both in-state and out-of-state placement options for the child.
- 8. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

- 1. The Department shall proceed with the permanency plan under this option by \_\_\_\_\_ (date).
- 2. The next hearing in this case will be set once the Department proceeds with this permanency plan option.
- 3. The child shall remain in the custody of the Department.

SIGNED this \_\_\_\_\_ Date

\_\_\_\_\_ Judge

# PERMANENCY HEARING ORDER

[ADULT CUSTODIAL CARE]

Court Case Number

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Name of County)

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

### APPEARANCES

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

\* Federal law and state law (Section 12-15-315(a), Ala.Code 1975, requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.  I have ensured this consultation with the child was given.

\*\*  If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing.

### THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE] :

1. Efforts made by the Department, following the placement of the above-named child into foster care,  were  were not reasonable to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child, as follows:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the efforts described in the court report;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify the efforts described in the court report as follows:
2. The child currently cannot adjust or function in a family setting because:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the child cannot function in a family setting during childhood and into adulthood, including the child's diagnosis and the sources of that diagnosis, the duration and credentials of those making the diagnosis, the duration and circumstances of the evaluation, and the specific behavior or reactions of the child that make the child unable to function in a family environment;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why the child cannot function in a family setting during childhood and into adulthood, including the child's diagnosis and the sources of that diagnosis, the duration and credentials of those making the diagnosis, the duration and circumstances of the evaluation, and the specific behavior or reactions of the child that make the child unable to function in a family environment, as follows:
3. The following is the most realistic long-term goal for the child after the child's eventual discharge from adult custodial foster care:



- 4. Efforts have been made by the Department, following the placement of the child into foster care, to bring about the child's safe and speedy return home and such efforts  were  were not reasonable:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's description in its court report of its efforts to reunify the family;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's description in its court report of its efforts to reunify the family, as follows:
  
- 5. *If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [Note: If the child is placed in the same state as one or both of the child's parents, leave this blank]:*
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:
  
- 6. *If the child is 14 years of age or older, the following services are needed to assist the child in attaining the fullest possible progress toward successful adulthood (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):*
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement in its court report concerning the services the child needs to attain the fullest possible progress toward successful adulthood;
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement in its court report concerning the services the child needs to attain the fullest possible progress toward successful adulthood, as follows:
  
- 7. At this hearing, I have considered both in-state and out-of-state placement options for the child.
- 8. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

**THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:**

- 1. The child shall remain in agency-supervised adult custodial care until further ordered by the court.
- 2. The Department shall implement the following plan to ensure this stability of the placement:
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's proposed plan in the court report;
  - After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's proposed plan in the court report, as follows:
  - Other:
- 3. The next hearing in this case shall be a review hearing and shall take place at \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (date) in \_\_\_\_\_ (location of hearing).

SIGNED this \_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

# PERMANENCY HEARING ORDER

[ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA)  
LIMITED TO CHILDREN AGE 16 AND OLDER]

Court Case Number \_\_\_\_\_

IN THE JUVENILE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
*(Name of County)*

In the Matter of \_\_\_\_\_, a child

Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

On \_\_\_\_\_ (date), a permanency hearing was held by the above court.

### APPEARANCES

Note: Check which parties and/or attorneys and/or others were present at the hearing:

- |  |   |
|--|---|
| <input type="checkbox"/> Mother  | <input type="checkbox"/> Guardian ad litem  |
| <input type="checkbox"/> Father  | <input type="checkbox"/> Department of Human Resources (Department) Caseworker                                |
| <input type="checkbox"/> *Child  | <input type="checkbox"/> Department Attorney  |
| <input type="checkbox"/> Mother's Attorney                               | <input type="checkbox"/> **Paternal <input type="checkbox"/> Grandmother <input type="checkbox"/> Grandfather |
| <input type="checkbox"/> Father's Attorney                               | <input type="checkbox"/> **Maternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> **Maternal <input type="checkbox"/> Grandmother | <input type="checkbox"/> **Paternal Other Relatives: _____ (specify)  |
| <input type="checkbox"/> Grandfather                                     | <input type="checkbox"/> **Foster Parents: _____ (specify)  |
| <input type="checkbox"/> **Others (specify): _____                       |   |

\* Federal law and state law (Section 12-15-315(a), Ala.Code 1975) requires age-appropriate consultation with the child at each permanency hearing regarding the permanency plan and/or any transition plan to independent living.  I have ensured this consultation with the child was given.

\*\*  If one or more of these persons who are caring for the child under the responsibility of the Department are not present, I have ensured that they have received notice of this hearing.

Check which one of the following APPLA situations apply:

- Permanent Placement of Child with Non-Relative Foster Parents  
 Continuation of Child's Placement in a Group, Residential, Institutional Placement, or Transitional Living  
 Other Type of APPLA: \_\_\_\_\_ (specify)

THE COURT FINDS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

1. Efforts made by the Department, following the placement of the above-named child into foster care,  were  were not reasonable to finalize the existing permanency plan of \_\_\_\_\_ for the above-named child, as follows:
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I incorporate into this Order the efforts to reunify the family and, if applicable, to secure a new permanent home described in the court report;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and/or after obtaining input from the foster parents, preadoptive parents, or relative caregivers of the child, I modify into this Order the efforts described in the court report why returning home would be dangerous or harmful to the child or is otherwise impractical, as follows:
2. It will not be safe to return the child to his/her home and it is not in the best interests of the child because (specify compelling reasons):
- After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical and not in the child's best interests;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why returning home would be dangerous or harmful to the child or is otherwise impractical and not in the child's best interests, as follows:

**PERMANENCY HEARING ORDER**  
**[ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA)**  
**LIMITED TO CHILDREN AGE 16 AND OLDER]**

- 3. Termination of parental rights is not in the best interests of the child because (specify compelling reasons):
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why termination of parental rights would not benefit the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why termination of parental rights would not benefit the child, as follows:
  
- 4. Adoption, either with no identified resource or with the current foster parent, is not in the best interests of the child because (specify compelling reasons):
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why adoption would not benefit the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why adoption would not benefit the child, as follows:
  
- 5. It is not in the best interests of the child to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision because (specify compelling reasons):
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is not in the child's best interests to permanently place the child with an individual or couple serving as legal custodians free of Departmental oversight or supervision as follows:
  
- 6. The current foster parents are fully capable of and committed to permanently caring for the child because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why the foster parents are fully capable of and committed to permanently caring for the child as follows:
  
- 7. It is not in the best interests of the child to place the child with relatives who will be permanent foster parents because (specify compelling reasons):
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's description in its court report as to why it will not be in the best interests of the child to place the child with relatives who will be permanent foster parents and retain custody with the Department retaining custody;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's description in its court report as to why it will not be in the best interests of the child to place the child with relatives who will be permanent foster parents and retain custody with the Department retaining custody, as follows:
  
- 8. It is not in the best interests of the child to place the child in adult custodial care because (specify compelling reasons):
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's description in its court report as to why it will not be in the best interests of the child to place the child in adult custodial care;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's description in its court report as to why it will not be in the best interests of the child to place the child in adult custodial care, as follows:

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- 9. The child cannot and will not be able to adjust or function in a family setting because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation describing specific behavior or reactions of the child that make the child unable to function in a family environment;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation describing specific behavior or reactions of the child that make the child unable to function in a family environment, as follows:
  
- 10. The following is the plan for continuing parental involvement while the child remains in foster care, including visitation with the child's parents and siblings, if possible. If such involvement is not possible, the following is a plan for the child to form and maintain a close relationship with another adult or adults, who will function as parents for the child:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's plan for the child's continuing involvement and visits with parents and siblings, or with other adults;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's plan for the child's continuing involvement and visits with parents and siblings, or with other adults, as follows:
  
- 11. The following plan will prepare the child to live in the least restrictive possible setting at the earliest appropriate time:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's plan for moving the child into the least restrictive practical setting as well as the Department's goal for the child after the child reaches adulthood, i.e. whether the child is to be returned home, adopted, etc.;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's plan for moving the child into the least restrictive practical setting as well as the Department's goal for the child after the child reaches adulthood, i.e. whether the child is to be returned home, adopted, etc., as follows:
  
- 12. The arrangement for the child is permanent rather than temporary because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why the arrangement for the child is permanent rather than temporary;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation why the arrangement for the child is permanent rather than temporary, as follows:
  
- 13. There will be stability, predictability, and continuity in the arrangement because:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why there will be stability, predictability, and continuity in the arrangement;
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation why there will be stability, predictability, and continuity in the arrangement as follows:
  
- 14. The child will retain permanent ties with parents, family members, or other adults functioning as advocates, parent figures, and mentors, as follows:
  - After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation why the child will retain

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permanent ties with parents, family members, or other adults functioning as advocates, parent figures, and mentors;

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation why the child will retain permanent ties with parents, family members, or other adults functioning as advocates, parent figures, and mentors, as follows:

15. If the child is placed in a home in a different state than the home of the child's parents, the placement continues to be appropriate and in the child's best interests for the following reasons [NOTE: If the child is placed in the same state as one of the child's parents, leave this space blank]:

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's explanation in its court report why it is necessary to place the child in a different state;

After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's explanation in its court report why it is necessary to place the child in a different state, as follows:

16. If the child is 14 years of age or older, the following services are needed to assist the child in making the transition to successful adulthood. (Note: If the child is less than 14 years of age or if independent living services are not provided, leave this space blank):

After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I incorporate into this Order the Department's statement in its court report concerning the services the child needs to make the transition to successful adulthood;

After reviewing the attached Department's written report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, and after consulting with the child, in an age-appropriate manner, regarding the transition plan to independent living, I modify the Department's statement in its court report concerning the services the child needs to make the transition to successful adulthood, as follows:

17. The Department has included information concerning age or developmentally appropriate activities for the child in its written court report dated \_\_\_\_\_, p. \_\_\_\_\_.

THE COURT HEREBY ORDERS THAT [CHECK WHICH BOXES ARE APPLICABLE]:

1. The child shall remain in the custody of the Department and be placed in foster care on a permanent basis with his or her relatives, who are \_\_\_\_\_ (names of relatives).

2. The Department shall implement the following plan to ensure the stability of the foster placement:  
After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I incorporate into this Order the Department's proposed plan in its court report;  
After reviewing the attached Department's written court report dated \_\_\_\_\_, p. \_\_\_\_\_, and based on the testimony of the parties, I modify the Department's proposed plan in its court report, as follows:  
Other: \_\_\_\_\_

3. The next hearing in this case shall be a review hearing and shall take place at \_\_\_\_\_  [a.m.]  [p.m.] on \_\_\_\_\_ (date), in \_\_\_\_\_ (location of hearing).

SIGNED this \_\_\_\_\_ Date

\_\_\_\_\_  
Judge