

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
THIRD JUDICIAL DISTRICT
Juvenile Department**

In The Matter of: _____) Court No. _____
)
)
) DHS No. _____
A child.) **ICWA FINDINGS AND ORDER**

This matter came before the Court on _____. The following persons appeared by phone or in person:
 Mother Attorney for Mother Father Attorney for Father Guardian(s) Attorney for Guardian(s) Child
 Attorney for Child Tribe Attorney for Tribe DHS AAG DDA CASA Other: _____

Evidence Considered: Stipulations; Exhibits; Testimony; Admissions; Judicial notice of the following: _____

Standard of Proof: The Findings made below are based on clear and convincing evidence and are additional to the findings and orders made on any other order that incorporates this order by reference. 25 USC § 1901-63.

1. INDIAN CHILD WELFARE ACT (ICWA) - FINDINGS AND ORDER:

The ICWA applies to this case, because the Court **has determined** **has reason to know** that the child is an "Indian child", since the child is an enrolled member of, or is eligible for membership in and the biological child of a member of, a federally recognized tribe(s). 25 USC § 1903(4). This Court **has** **does not have** jurisdiction under 25 USC § 1911 to proceed with the case. This Court **has** **does not have** temporary emergency removal/placement jurisdiction pursuant to 25 USC § 1922.

2. NOTICE FINDINGS AND ORDERS:

The tribe(s): **was/were notified** of the hearing. **was/were not notified** of the hearing, and DHS shall notify the applicable tribe(s) of pending proceedings and the tribe's right to intervene within ten calendar days.

3. ACTIVE EFFORTS FINDINGS:

In light of the circumstances of the child and the parent(s)/guardian(s), and having considered the child's health and safety to be the paramount concerns, the Court finds that DHS **has made** **has not made active efforts** to provide remedial services and rehabilitative programs designed to prevent the removal of the child from the home and the breakup of the family to make it possible for the child to safely return home. The court adopts as a recitation of those efforts the facts **in the DHS report(s) marked as Exhibit(s)** _____ **made on the record in this matter**, which are incorporated herein by this reference. 25 USC §1912(d) and ORS 419B.185(1).

Although DHS did not make the required active efforts, additional preventive/reunification efforts would not permit the child to remain safely in the home; therefore, the Court may authorize/continue the removal. ORS 419B.185(1).

4. PLACEMENT IN SUBSTITUTE CARE – FINDINGS AND ORDERS:

Substitute Care Determination:

The Court finds that the child cannot be safely returned home/maintained in the home and that the continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage to the child. **THEREFORE**, for the reasons stated in the evidence incorporated previously in section 3, it is in the child's best interests to be in substitute care. 25 USC §1912(e); ORS 419B.185(1) and 419B.340(7).

The Court's finding **is** **is not** based on evidence that included the testimony of an expert witness. The expert testimony requirements is/shall be satisfied in the following manner: _____
_____ . 25 USC §1912(e) and ORS 419B.340(7).

Placement Preferences:

- The Court finds that the selected placement:
- is** **is not** the least restrictive, most family-like setting that meets the health/safety needs of the child.
- is** **is not** in reasonable proximity to the child's home; taking into account any special needs of the child.
- complies** **does not comply** with the placement preference(s) established by 25 USC §1915.

Date

Circuit Court Judge

Distribution: Records/Parents/DHS/OYA/PO: _____ /Attys: _____ /Other: _____