

FOSTER CARE COURT ORDER CHECKLIST

CLIENT NAME:		
Petition Date: ___/___/___ Court Order Duration: ___/___/___ to ___/___/___		
Custodial Agency: _____ Adjudication: ___Deprived ___Unruly ___Delinquent		
Required Components for Court Orders	Yes*	No
<p>Judicial determinations were made by a District Court Judge, Tribal Judge, or Judicial Referee, which has the authority to make such a determination. Emergency or temporary custody orders signed by a court director or officer cannot be used as the removal order for foster care eligibility purposes. A shelter care hearing must be held within 96 hours to obtain the required judicial determinations for the removal.</p>		
<p>*Contrary Finding: Must be in the initial order to sanction the removal from the home. If not, the entire episode is ineligible.</p> <p>Judicial determination needed “Continuation in the home is contrary to the welfare of the child” or “it is not in the best interest” of the child to remain in the home.</p>		
<p>*Reasonable Efforts Findings (detailed): Must be obtained within 60 days of the removal for eligibility purposes. If not, the entire episode is ineligible.</p> <p>Judicial determination needed “reasonable efforts were made to <u>prevent the removal</u> of the child from the home and/or to <i>safely return</i> the child to the home; or reasonable efforts are <u>not</u> required to prevent the child’s removal from home or to reunify the family due to aggravated circumstances.</p>		
<p>*Permanency Hearing: Hearing must be held <u>within 12 months</u> of a child’s removal or <u>within 12 months</u> of the last permanency hearing.</p> <p>Judicial determination needed “reasonable efforts were made to finalize the permanent plan of <i>insert goal</i> were made on behalf of the child.” Including details of the individualized plan/goal for the child, stating the permanency goal in the order.</p> <p>Permanency orders must also include the judicial determinations that it <u>continues</u> to be contrary to the welfare and reasonable efforts have been made to return child home and place siblings together.</p>		
<p>*Public Agency has responsibility for child: Child is placed with a public agency under “care, custody, and control” or “placement and care”.</p>		
<p>*Level of Care Authorization: Is the placement restricted to a specific level of care? If a level of care is not authorized by the court, an agency must go back to court (prior to placement) to request authority to place the child to best meet their needs.</p>		
<p>*Specific Provider: Does the order limit placement options to a specific “named” facility or “named” foster home (If so, not allowed).</p>		
* Required findings needed to support a foster care payment		
<p>ICWA & Active Efforts: ASFA does not supersede ICWA. When an agency is seeking a foster care placement for, or termination of parental rights to an eligible ICWA Native American child, <u>active efforts</u> to reunify the family or identify a preferred placement are required.</p>		
<p>If applicable, a judicial determination that reasonable efforts were (are) made to place siblings together, unless it is contrary to the safety and well-being of any sibling. If siblings <u>are not</u> placed together, reasonable efforts findings to provide frequent visitation or other ongoing interaction.</p>		
<p>Transition to Successful Adulthood (Independent Living) 14+: Order must include language “that services have been/will be provided to assist the youth ages 14+ in making the transition from foster care to successful adulthood (independent living)” or an assessment for Independent Living Services is ordered with indicated services to follow.</p>		
<p>APPLA (Another Planned Permanent Living Arrangement) Goal: Was the youth asked if he/she agrees with the APPLA goal? Court makes a judicial determination in agreement that the APPLA goal is in the best interest of the child age 16+.</p>		
<p>Duration of Order: Foster care court orders may not exceed 12 months by state and federal law. No long term orders with specified caregiver are permitted. Court orders should have specific duration dates.</p>		
<p>Out-of-State Placement: At any hearing for a child who is placed in a different state, the court must determine whether the out-of-state placement continues to be appropriate and in the best interest.</p>		
<p>Affidavit References: The affidavit must be attached to the court order if the court order states the affidavit is “<u>incorporated into the order by reference</u>” to pull forward details of the case. Incorporated language of judicial determinations from an affidavit cannot be brought forward for required judicial determinations.</p>		