

IN THE INTEREST OF

Order for Temporary Physical Custody

- Secure
Nonsecure

Name

Case No.

Date of Birth

A hearing for temporary physical custody was held on [Date] \_\_\_\_\_, which is the effective date of this order.

THE COURT FINDS:

- 1. The child/juvenile is in the jurisdiction of this court under delinquency, JIPS, or CHIPS.
2. Probable cause exists to believe that the child/juvenile will commit injury, cause injury to self, be subject to injury, parent(s) neglecting/refusing/unable/unavailable, or run away.
3. Child/juvenile is not subject to or it is undetermined whether the child/juvenile is subject to the federal Indian Child Welfare Act.

For secure custody, the court further finds that probable cause exists to believe:

- 1. The child/juvenile has committed a delinquent act and there is a substantial risk of physical harm to another or running away.
2. The child/juvenile is a fugitive from another state or runaway from a juvenile correctional facility, and there was no reasonable opportunity to return the child/juvenile.
3. A protective order was issued and the child/juvenile consents in writing to the custody.
4. The child/juvenile ran away or committed a delinquent act while in nonsecure custody and no other suitable alternative exists.
5. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run away from nonsecure custody.
6. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

**For secure custody in a jail, the court further finds:**

- 1. No other juvenile detention facility approved by DOC or the county is available.
- 2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

**For all custody outside of the home, the court further finds:**

- 1. Continuation of residence in the home at this time  is  is not contrary to the child's/juvenile's welfare.

\_\_\_\_\_

\_\_\_\_\_

- 2. Reasonable efforts to prevent removal and return child/juvenile safely home were *[Complete one of the following]*

- made by the department or agency responsible for providing services as follows:

\_\_\_\_\_

\_\_\_\_\_

- made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows:

\_\_\_\_\_

\_\_\_\_\_

- not required under §48.355(2d) and §938.355(2d), Wis. Stats. \_\_\_\_\_

\_\_\_\_\_

- required, but good cause was shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date – Not to exceed 5 days] \_\_\_\_\_.

- required, but the department or agency responsible for providing services failed to make reasonable efforts.

- 3. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were

- made.
- not required because the child/juvenile does not have siblings in out-of-home care.
- not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

- 4. As to the department or agency recommendation:

- A. The placement location recommended by the department or agency is adopted.

OR

- B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.

- 5. The  mother  father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

**THE COURT ORDERS:**

- 1. The child/juvenile is held in custody

- A. In-home at \_\_\_\_\_.

- B. Out-of-home at \_\_\_\_\_

and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, which has primary responsibility for providing services.

- 2. This is an out-of-home placement. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings.
  - The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
  - The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.

- 3. This is an out-of-home placement and the department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2.or §938.21(5)(e)2.,Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., no later than 30 days from the date of the child’s/juvenile’s removal from the home, unless the search was previously conducted and notice provided.

- 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.

- 5. Other conditions of custody: \_\_\_\_\_

6. If any party to this proceeding receives subsequent information that provides reason to know that the child/juvenile is an Indian child, they shall inform the court.

- 7. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
  - \$ \_\_\_\_\_.
  - to be determined by [Agency] \_\_\_\_\_.

8. Transportation to the placement and any return to court shall be provided by \_\_\_\_\_

9. The next hearing is [Date] \_\_\_\_\_ at [Time] \_\_\_\_\_  a.m.  p.m.

- 10. The request for temporary physical custody is denied.

- 11. Other: \_\_\_\_\_

Name and Address of Placement:

**BY THE COURT:**

\_\_\_\_\_  Circuit Court Judge  Circuit Court Commissioner

\_\_\_\_\_ Name Printed or Typed

\_\_\_\_\_ Date

**DISTRIBUTION:**

1. Court
2. Placement Facility
3. Child/Juvenile/Parents/Attorneys
4. Social Worker/Intake Worker