

Approved: 8.08
Revised: 1.10

D-1.07

STATE OF INDIANA
STEBEN CIRCUIT COURT

Recd
4/21
um

In The Matter Of:

LYNDSAY [REDACTED]
A Child Alleged to be a Delinquent Child

Cause No: 76C01-1405-JD-133

ORDER OF EMERGENCY DETENTION**1. CHILD**

LYNDSAY [REDACTED] was produced before the Court for a hearing on the 20th day of April, 2015.

2. NOTICE

Notice of the time, place, and purpose of a detention hearing has been given to:

- (1) the child;
- (2) the child's parent, guardian, or custodian if the person can be located; and
- (3) each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5.

The juvenile court has informed the child and the child's parent, guardian, or custodian of the child's right to counsel and to refrain from testifying against himself or herself.

3. PARTIES:

Present at the hearing are: The juvenile; counsel for juvenile, Michael Morrissey; State, David Brown; Probation, Roberta Gilbert, Mother.

Detention Hearing is now held.

4. PROBABLE CAUSE:

- (X) The Court now finds that probable cause exists to believe that said child is a delinquent child and that said child be detained because:
- () the child is unlikely to appear for subsequent proceedings;
- (X) detention is essential to protect the child and/or the community;

Approved: 8.08
Revised: 1.10

D-1.07

- () the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or
- () the child has a reasonable basis for requesting that he not be released and in support thereof the Court finds: _____

(choose one option below)

(X) The Court orders that said child be removed from foster parents home and be placed at Muskegon River Youth Home. Said placement is the least restrictive placement and in the child's best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement was determined to be an emergency required to protect the health and welfare of the child. Probation is ordered and directed to work with the caregivers at said facility during the placement of the child.

OR

() The Court now finds that probable cause exists to believe that said child is a delinquent child but that said child is not in need of further detention, and accordingly, orders that said child be released to _____ (parent) (guardian) (custodian) upon the latter's written promise to bring the child before the Court on the ____ day of _____, 20__ at _____ o'clock ____ M. and from day to day as ordered by the Court.

OR

() The Court now finds that probable cause does not exist to believe that said child is delinquent child and orders said child released to the custody of _____ (parent) (guardian) (custodian)

If the child has been removed from the home, complete this section:

5. IVE and Statutory Findings:

The Court finds that it is in the best interests of the child to be removed from the home environment and remaining in the home would be contrary to the welfare of the child because of: 1) Foster parent's inability to control the actions of the juvenile; and, 2) the safety of the juvenile

(X) **The Court finds that reasonable efforts to prevent or eliminate removal of the child were not required due to the emergency nature of the situation, as follows:** The juvenile's continuation of delinquent behaviors

Approved: 8.08

Revised: 1.10

D-1.07

The Court finds that reasonable efforts were made by the probation department to prevent or eliminate the need for removal of the child. The statements of reasonable efforts as set forth in the pleadings, reports, and documents of the probation department and/or all other service providers filed herein are incorporated by reference.

or-

() The Court finds that reasonable efforts were made by the probation department to prevent or eliminate the need for removal of the child, including:

The Court finds responsibility for the placement and care of the child is ordered or continues to be ordered to the probation department of Steuben County.

6. PLACEMENT:

(If order includes placement payable by DCS and DCS has not been previously notified)

The court shall provide the Department of Child Services (DCS) with a copy of this order. DCS may submit to the court within three business days after receipt of this order a DCS report stating its concurrence of the placement or any recommendation for an alternative placement.

(Use one of the following three options if order includes placement payable by DCS after reconsideration has been filed by DCS)

() The court finds that the DCS concurs in the probation officer's placement;

Or;

() the court finds that the DCS does not concur with the probation officer's placement recommendation and the court accepts the recommendation of DCS;

Or

() the court finds that the DCS does not concur with the probation officer's placement recommendation and the court finds that the recommendations of the DCS are unreasonable based on the facts and circumstances of the case /or are contrary to the welfare or the best interests of the child.

Approved: 8.08
Revised: 1.10

D-1.07

Placement is an emergency required to protect the health and welfare of the child because:

Returning the juvenile to the home will be contrary to the best interest of the juvenile.

(If placement is ordered out of state)

The Court finds by clear and convincing evidence that the above out of state placement in a facility that is not a secure detention facility is appropriate because:

() The Director of the DCS or his designee has recommended or approved of the placement;

Or

() There is not a comparable facility with adequate services in Indiana, because

Or

() the facility is not more than 50 miles from the county of the residence of the child.

THE COURT NOW FINDS AS FOLLOWS:

Legal settlement of the child is Steuken County and the Probation Department is directed to provide notice as required by law.

Any notice required by IC 20-26-11-9 shall be given by the Probation department.

(Choose one)

() Pursuant to IC 31-40-1-3, the child's (Parents), (Guardian of child's estate) shall pay for services provided to the child or the parents or guardian, as follows:

-OR-

() Pursuant to IC 31-40-1-3(c), the Court finds, that at the present time, the parents of the child are unable to pay, or that justice would not be served by ordering payment.

Approved: 8.08
Revised: 1.10

D-1.07

(X) This case is set for an initial hearing on an MSRP on: April 27, 2015 at 10:30 a.m.

() This case is set for a pre-trial conference on: _____

() This case is set for a fact-finding hearing on: _____

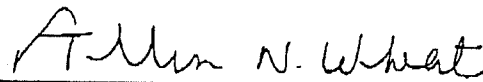
() This case is set for a dispositional hearing on: _____

This case is set for a review hearing on: _____ (no later than 6 months after the date of removal.)

This case is set for a permanency hearing on: _____ (no later than 12 months after the date of removal.)

The Clerk of the Court shall provide the DCS with a copy of this order.

So Ordered this 20th day of April, 2015.



Allen N. Wheat, Judge
Steuben Circuit Court

CC: RJO State Probation Counsel Parents