

**IN THE DISTRICT COURT OF IOWA, IN AND FOR COUNTY**  
**(JUVENILE DIVISION)**

**IN THE INTEREST OF** )  
 ) **Juvenile No. \_\_\_\_\_**  
\_\_\_\_\_, )  
 ) **FINDINGS OF FACT, CONCLUSIONS**  
**A Child.** ) **OF LAW, AND ORDER**

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This matter came before the Court on \_\_\_\_\_, 200\_\_, for [un]contested delinquency adjudicatory hearing pursuant to Iowa Code Section 232.47 to determine whether the child in interest did commit the delinquent act(s) alleged in the Petition and upon agreement of the parties for immediate dispositional hearing pursuant to Iowa Code Section 232.50. Present for the hearing were the following:

- \_\_\_\_\_, the child in interest;
- \_\_\_\_\_, the child's attorney;
- \_\_\_\_\_, Assistant County Attorney;
- \_\_\_\_\_, Juvenile Court Services;
- \_\_\_\_\_, child's mother; and
- \_\_\_\_\_, child's father.

The proceeding was (not) reported. Offered and admitted into evidence were the following Exhibits: \_\_\_\_\_. The parties stipulated \_\_\_\_\_.

Pursuant to Iowa Code Section 602.7103, the Court now makes the following **FINDINGS OF FACT:**

1. That notice of this hearing and a copy of the Petition were served upon all parties.
2. The name of the child in interest is \_\_\_\_\_, and who is \_\_ years of age, being born on \_\_\_\_\_, 19\_\_, and resides with his parent(s), \_\_\_\_\_ and \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ County, Iowa.
  - 3[a]. The Court did accept the plea of guilty by the child to the commission of a delinquent act(s) as defined in Iowa Code Section 232.2(12)(a), which were the child an adult would constitute the offense of \_\_\_\_\_, in violation of Iowa Code Section(s) \_\_\_\_\_, as alleged in numbered paragraph \_\_ of the Petition.
  - 3[b]. The Court did accept the child's "Alford" plea to the commission of a delinquent act as defined in Iowa Code Section 232.2(12)(a), which were the child an adult would constitute the offense of \_\_\_\_\_, in violation of Iowa Code Section(s) \_\_\_\_\_, as alleged in numbered paragraph \_\_ of the Petition. The child plead guilty without admitting the commission of the delinquent act because he or she intelligently and after consultation with his or her parents and attorney concluded his or her best interests so required. Independent of the child's plea of guilty,

there exists strong evidence of guilt and a factual basis for the charge as contained in the minutes of testimony (statement) attached to the Petition.

4. That said plea was accepted only after the Court first addressed the child personally in Court and determined that the plea is voluntary and not the result of any force or threats or promises, other than promises made in connection with a plea agreement, and after informing the child of, and determining that the child understands, the following:

- a. The nature of the allegations of the Petition to which the plea is offered;
- b. The severest possible disposition and the maximum length of such disposition which the Court may order if the Court accepts the plea;
- c. The child has the right to deny the allegations of the Petition; and
- d. If the child admits the allegations of the Petition, the child waives the right to a further adjudicatory hearing.

5. Before said plea was accepted by the Court, the Assistant County Attorney and the child's counsel were addressed concerning any plea agreements, and the Court was advised \_\_\_\_\_.

6. Prior to accepting the child's plea of guilty, the Court found and does hereby find the following:

- a. That there is a factual basis for the plea;
- b. That the child was given effective assistance of counsel prior to tendering the plea;
- c. That the child's parent(s) agreed with the course of action the child has taken by his plea of guilty; and
- d. That the plea is in the best interests of the child.

7. All parties present agreed to waive their right to five days prior notice of the dispositional hearing, consented to Juvenile Court Services submitting its predispositional report to the Court and counsel prior to adjudication, and further requested the Court proceed to immediate dispositional hearing.

8. The delinquent act which the child was adjudicated to have committed would have been punishable as a(n) \_\_\_\_\_ were the child an adult.

9. The child's involvement consisted of \_\_\_\_\_.

10. The child's prior juvenile record consists of \_\_\_\_\_.

11. Juvenile Court Services had initial contact with the child on \_\_\_\_\_, 200\_\_.

concerning: \_\_\_\_\_.

12. At that time, Juvenile Court Services evaluated the child and concluded that the child was [not] in need of services and supervision because \_\_\_\_\_.

13. Juvenile Court Services determined that the following services and supervision were necessary: \_\_\_\_\_.

14[a]. Juvenile Court Services has provided these services and supervision.

14[b]. Juvenile Court Services did not provide these services because \_\_\_\_\_.

15[a]. The services provided by Juvenile Court Services did not remedy the problem by preventing the child from further delinquent activity because [I] the child would not accept the service and supervision [ii] the service and supervision was not sufficient to remedy the problem and prevent the child from further delinquent activity [iii] \_\_\_\_\_.

15[b]. Regardless of any services and supervision which were or might have been provided, Juvenile Court Services would have been unable to prevent the child from engaging in further delinquent activity.

16. Juvenile Court Services is providing the following services and supervision to attempt to maintain the child with the child's family: \_\_\_\_\_.

\_\_\_ Juvenile Court Services could have provided these additional services and supervision to remedy the situation and prevent the need for out of home placement: \_\_\_\_\_.

\_\_\_ Juvenile Court Services did not provide these additional services and supervision.

\_\_\_ Placement of the child in family (group) foster care at \_\_\_\_\_, \_\_\_\_\_, Iowa, is an appropriate placement for the child because it is the most family-like setting in closest proximity to the child's parents and consistent with the special needs of the child.

\_\_\_ Continuation of the child in the child's home will effect the child by \_\_\_\_\_.

\_\_\_ A likely date by which the child may be returned home or some other permanent placement made is \_\_\_\_\_, 200\_\_.

\_\_\_[a]. Upon a review of the transition plan and needs assessment contained in the case permanency plan, the following services are needed to assist the child in making the transition from foster care to adulthood, to-wit: \_\_\_\_\_.

\_\_\_[b]. The case permanency plan does not contain a transition plan and needs assessment for the child who is 16 years of age or older.

## CONCLUSIONS OF LAW:

1. The Court has jurisdiction of the parties and the subject matter as provided in Division II of Iowa Code Chapter 232.

2. The burden of proof as to the adjudication is upon the State beyond a reasonable doubt and is upon the State as to the dispositional phase by clear and convincing evidence.

3. The child did commit a delinquent act(s) and should be adjudicated to have committed a delinquent act(s).

4. The facts found establish that the least restrictive disposition available in the circumstances and in the best interest of this child is that [a] custody of the child in interest shall remain with the child's parents and on formal probation to First Judicial District Juvenile Court Services upon [I] the terms and conditions contained in the probation contract executed by the parties and approved by the Court [ii] the following specific terms and conditions set forth in the order below herein [b] custody of the child in interest shall be transferred to First Judicial District Juvenile Court Services for placement in family foster care/ foster group care/ residential treatment/ [with day/evening treatment component]/ short-term highly structured residential treatment facility [boot camp]/ long-term substance abuse treatment/ half-way house for substance abusers/ foster group care with independent living component [c] guardianship of the child in interest should be transferred to the Director of the Iowa Department of Human Services for purposes of placement in the State Training School in Eldora, Iowa, with continuing supervision by First Judicial District Juvenile Court Services.

5. Juvenile Court Services has [not] made reasonable efforts to prevent the child from further delinquent activity in the child's home.

6. The child is not in immediate danger of committing further delinquent acts and can be maintained in the home with the following services and supervision: \_\_\_\_\_.

\_\_. The child cannot be returned to the child's home at this time and must continue in the custody of Juvenile Court Services, although because Juvenile Court Services has failed to make reasonable efforts to return the child home, Juvenile Court Services has not met the requirement for federal reimbursement for the cost of the child's care under 42 U.S.C. Sections 670, et. seq.

\_\_. Foster group placement of the child in interest is [not] in accordance with a the regional plan for group foster care established pursuant to Iowa Code Section 232.143 for the departmental region in which this Court is located.

7. Reasonable efforts have been made to prevent or eliminate the need for removal of the child in interest from the child's home.

\_\_. Removal of the child from the child's home is the result of determination that continuation in the child's home would be contrary to the child's welfare. [optional]

8. This dispositional order should remain in force and effect for a period of \_\_\_\_ months [years] [until the child reaches the age of eighteen (18) years].

9. A review hearing should be held herein within six (6) months of this date.

\_\_. Because the child in interest is adjudicated to have committed an offense other than a simple misdemeanor were the child an adult and other than what would be a serious misdemeanor violation of Iowa Code Chapters 321 or 321A if committed by an adult, Iowa Code Section 690.2 requires that the child be fingerprinted if not previously fingerprinted in proceedings leading to the adjudication.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:**

1. \_\_\_\_\_, the child in interest, is **adjudicated** to have committed (a) delinquent act(s) as defined in Iowa Code Section 232.2(12)(a), which were the child an adult would have constituted the offense of \_\_\_\_\_ in violation of Iowa Code Section(s) \_\_\_\_\_.

2[a]. **Custody** of \_\_\_\_\_, the child in interest, shall remain with the child's parents and on **formal probation** to First Judicial District Juvenile Court Services upon the [I] the terms and conditions contained in the probation contract executed by the parties and approved by the Court and with the addition of the following terms: [ii] following specific terms and conditions:

a. The child in interest shall report to the child's juvenile court officer at such times and places as reasonably requested by said Juvenile Court Officer.

b. The child in interest shall not violate any laws, whether they be federal, state or local.

c. The child in interest shall report being taken into custody or being questioned for any such law violations to the child's Juvenile Court Officer as soon as possible.

d. The child in interest shall make restitution payable through Juvenile Court Services in the amount of \$ \_\_\_\_ to \_\_\_\_\_.

e. The child in interest shall successfully complete \_\_\_\_ ( ) hours of Community Service Work, to be completed at the rate of \_\_\_\_ ( ) hours per month, with a written certification of hours worked signed by the child's work supervisor to be provided to the child's Juvenile Court Officer.

f. The child in interest shall participate in out-patient counseling with \_\_\_\_\_ of \_\_\_\_\_, Iowa, at such times and for such period as determined necessary or helpful to the child by said counselor.

f. The child in interest shall submit to an out-patient mental evaluation at \_\_\_\_\_, \_\_\_\_\_, Iowa, and participate in such individual and/or group counseling with said agency as determined necessary or helpful to the child by said agency.

g[1]. The child in interest shall attend a negative tour of the Boy's State Training School in Eldora, Iowa, as arranged by his juvenile court officer.

g[2]. The child in interest shall attend a negative tour of the Men's Reformatory at Anamosa, Iowa, as arranged by his juvenile court officer.

h. The child in interest shall successfully complete Drinking Drivers School with a certificate of completion provided to his juvenile court officer.

i. The child in interest shall not associate with \_\_\_\_\_ outside of school or outside the direct supervision of the child's parents.

j. The child in interest shall be in the child's parents' home or their company no later than \_\_\_\_\_ o'clock p.m. on Sunday through Thursday nights, inclusive and no later than \_\_\_\_\_ o'clock p.m. on Friday and Saturday nights, except as allowed by the child's parents and Juvenile Court Officer for reason of employment; school, church, or community activity; or other significant reason.

k[1]. The child in interest shall regularly attend school without unexcused absences, shall perform to the best of the child's academic ability, and shall not present disciplinary problems in the school setting.

k[2]. The child in interest shall participate in a G.E.D. program and testing as available as an alternative to completion of the regular school program.

l. The child in interest shall submit to an out-patient substance abuse evaluation at \_\_\_\_\_, \_\_\_\_\_, Iowa, and participate in substance abuse counseling with said agency, as needed.

m. The child in interest shall abide by all reasonable rules as established by the child's parent(s) (guardians).

n. The child in interest shall make reimbursement to \_\_\_\_\_ County, Iowa, for the cost of the child's court appointed attorney fees either by monetary payment or by work assignment to said County.

o. The motor vehicle license or operating privilege of the child in interest shall be suspended [revoked] for \_\_\_ months [a period not to exceed one year]. The child shall [not] be allowed to be issued a work permit.

p. The child in interest shall attend a batterer's treatment program under Iowa Code Section 708.2B.

2[b]. **Custody** of the child in interest is hereby transferred to First Judicial District Juvenile Court Services for placement in a supervised community treatment program under Section 232.191(4) [day treatment]/in family foster care/ foster group care/ residential treatment/ short-term

highly structured residential treatment facility [boot camp]/ long-term substance abuse treatment/ half-way house for substance abusers/ foster group care with independent living component.

2[c]. **Guardianship** of the child in interest is hereby transferred to the Director of the Iowa Department of Human Services for purposes of placement in the Eldora Training School, with continued supervision by First Judicial District Juvenile Court Services.

3[a]. The **case permanency plan** proposed by First Judicial District Juvenile Court Services and filed herein is hereby adopted and incorporated hereto as if set forth in full herein (with the following modifications: \_\_\_\_\_). Juvenile Court Services shall provide health and education information concerning the child to the child's foster care provider.

3[b]. That First Judicial District Juvenile Court Services in conjunction with the staff for the child's placement shall prepare and file with the Court, with copies to the parties and counsel, as soon as possible but not more than sixty (60) days following the placement of the child, a **case permanency plan** in furtherance of this order.

\_\_ [a] The Department shall provide the child in interest if 16 years of age or older with those services needed to assist the child in preparing for the transition from foster care to adulthood as specified in the **transition plan and needs assessment** contained in the child's case permanency plan.

\_\_ [b] Within six months of the entry of this order, the Department shall submit a written **transition plan and needs assessment** for the child if 16 years of age or older and specify the services needed to assist the child in preparing for the transition from foster care to adulthood.

\_. That if the child in interest is 16 years of age or older and is interested in attending post-secondary education, Juvenile Court Services shall assist the child in applying for federal and state college student aid as provided in Iowa Code Section 261.2.

\_\_. That the child in interest immediately proceed to the nearest Sheriff's office or law enforcement center and be **fingerprinted**, if the child has not previously been fingerprinted in the proceedings leading to an adjudication herein. That the prints be submitted by local law enforcement to the Iowa Department of Public Safety.

4. **Progress reports** to the Court concerning this case should be made by First Judicial District Juvenile Court Services at least every three (3) months.

5. A **review hearing** under Iowa Code Section 232.54 to determine whether this disposition should be continued, terminated, modified, or vacated and another order substituted therefore shall be [scheduled by the court administrative office within six months of the entry of this order] held **on the \_\_\_ day of \_\_\_\_\_, 20\_\_**, at \_\_\_:\_\_\_ o'clock \_\_.M. in the Courtroom of the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Iowa.

Clerk to send a copy of this order to the child, child's parent[s], Assistant County Attorney,

Child's Attorney, Juvenile Court Services, and case scheduler. [Note: As required Clerk to send copy to Local Sheriff, [DOT] [Dept. Public Safety][IDHS][Training School].

**SO ORDERED this November 3, 2003.**

**BY THE COURT:**

\_\_\_\_\_  
\_\_\_\_\_, Judge  
First Judicial District of Iowa

**ORDER – DELFF112**

*Revised 10/03*