

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

IN THE INTEREST OF

_____ ,

A Child.

)
)
)
)
)

Juvenile No. JVJV _____

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

This matter came before the Court on _____, 200__, for [un]contested hearing held pursuant to Iowa Code Section 232.102 and 42 U.S.C. Section 671 to determine whether the Iowa Department of Human Services has made reasonable efforts to make it possible for the child to return home. Present for the hearing were the following:

- _____, the child in interest;
- _____, the child's attorney and guardian ad litem;
- _____, Assistant County Attorney;
- _____, Iowa Department of Human Services;
- _____, child's mother;
- _____, child's father; and
- _____, parent's attorney.

The proceeding was reported. The following exhibits were offered or admitted into evidence: Testimony was given on behalf of the State by _____; and on behalf of the child by _____; and on behalf of the child's parent by _____.

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

1. Notice of this hearing was given to all parties.
2. _____, the child in interest, was adjudicated to be a child in need of assistance and it was determined that the Court's aid is required. The adjudication was based upon Section 232.2(6)(___).
3. The _____

CONCLUSIONS OF LAW:

1. The Court has jurisdiction of the parties and the subject matter as provided in Division III of Iowa Code Chapter 232.
2. The burden of proof to show reasonable efforts to make it possible for the child to return home is upon the Petitioner, the State, by clear and convincing evidence.

3. The standard guiding the Court's inquiry is the best interests of the child in interest.

4. The Iowa Department of Human Services is required to make reasonable efforts to prevent or eliminate the need for the child's removal from the home, to make it possible for the child to return home if removed, and to finalize a permanency plan for the child if the child cannot safely return home. Failure to make such reasonable efforts shall result in the Department not being eligible for foster care and adoption assistance for the instant case and potentially all foster placements should, upon audit, the Department fail in a specified number of cases. 42 U.S.C. Section 671(a)(15).

5. If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interest of the child. Iowa Code Section 232.102(7).

6. If the court orders the transfer of custody to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within Iowa, in the most appropriate, least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement. Iowa Code Section 232.102(7).

7. If the court orders transfer of custody to the department of human services or to another agency for placement in foster care and if returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. Iowa Code Section 232.102(10).

__. In the event, the Department fails to _____ within _____, the court will conclude that the Department 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.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. In the event the Iowa Department of Human Services fails to ***** **on or before** _____, the court will make a finding that the Department has **not** made reasonable efforts to return the child home.

2. In such event, the Iowa Department of Human Services shall be prohibited from federal reimbursement for the cost of the child's care under 42 U.S.C. Sections 670, et. seq. and such reimbursement should be denied in this case.

3. In order to prevent the finding of no reasonable efforts, the Department shall file verification with this court on or before _____, that the _____ has been made available to the family.

Clerk to send a copy of this order to the child, child's parent[s], counsel or record, IDHS, foster parent or foster care facility or agency, and case scheduler.

SO ORDERED this November 3, 2003.

BY THE COURT:

_____, **Judge**
First Judicial District of Iowa

ORDER – CHFF106

Revised 10/03