**5.84 Court Order Language – Foster Care Cases**

**Emergency Removal Order Language**

The Court ordered:

* It appearing that the above-named child is within the purview of the Juvenile and Domestic Relations District Court law, and is alleged to be abused or neglected in a Petition supported by an affidavit, and it further appearing to the Court under the circumstances existing at this time that the child would be subjected to an imminent threat to life or health to the extent that severe or irremediable injury would be likely to result if the child were returned to or left in the custody of his or her parents, guardian, legal custodian or other person standing *in loco parentis* pending a final hearing on the Petition, based upon the facts alleged in the affidavit filed in this case, which is incorporated by reference.
* Reasonable efforts have been made to prevent removal of the child from his or her home, based upon the facts alleged in the affidavit filed in this case, which is incorporated by reference.
* The child was physically removed from the home prior to the entry of this Order, on **[INSERT DATE],** and there are no alternatives less drastic than removal of the child from his or her home as defined by the Code of Virginia, 1950, as amended, which could reasonably protect the child’s life or health pending a final hearing on the Petition.
* The child is not an Indian child as defined in 25 U.S.C. §1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.

The Court ordered:

* That the child be taken into immediate custody and placed in shelter care.
* That temporary legal custody be awarded to Henrico DSS. The department of social services, if awarded temporary legal custody, may change the placement of the child without further court order or requirement to comply with Virginia Code §16.1-251, notwithstanding that the child has been placed with a natural parent.
* That the child be temporarily placed, under the supervision of the local department of social services pending the preliminary hearing, with consideration having been given to temporary placement of the child with a relative or other interested individual, including grandparents.

**Preliminary Removal Order Language**

The Court issued a Preliminary Removal order, stating:

* The child is not an Indian child as defined in 25 U.S.C. §1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.
* The child would be subject to an imminent threat to life or health to the extent that irremediable injury would be likely to result if the child were returned to or left in the custody of his parents, guardian, legal custodian or other person standing in loco parentis pending a final hearing on the Petition, based upon the facts contained in the affidavit filed in the case which is incorporated by reference.
* Reasonable efforts have been made to prevent removal of the child from his home based upon the facts contained in the affidavit filed in the case which is incorporated by reference.
* The child was physically removed from the home prior to the entry of the order on **[INSERT DATE]** and there are no alternatives, as defined in the Code of Virginia, less drastic than removal of the child from his or her home which could reasonably protect the child’s life or health pending a final hearing on this petition.

The Court ordered:

* That temporary legal custody shall be awarded to Henrico DSS, pending the entry of a dispositional order pursuant to Virginia Code § 16.1-278.2. with consideration having been given to the requirements of Virginia Code § 16.1-252 F 1 and placement in the temporary care and custody of a relative or other interested individual, including grandparents. Placement of the child in the temporary care and custody of a relative or other interested individual, including grandparents, shall be supervised by the local department of social services. The local department of social services, if awarded temporary legal custody, may change the placement of the child without further court order or requirement to comply with the Virginia Code § 16.1-251, notwithstanding that the child has been placed with a natural parent.
* That Henrico DSS shall initiate and complete the investigation required in accordance with the provisions of Virginia Code § 16.1-278.2.
* Parents are to complete **[INSERT ANY ORDERED SERVICES].**
* Reasonable, supervised visits will be allowed between the parents and the child.
* An objection having been made by all counsel pursuant to Virginia Code § 16.1-252 G to the Court’s entering a finding to the allegation of abuse or neglect, an Adjudicatory Hearing is set for **[INSERT DATE AND TIME].** This order shall remain in full force and effect pending the adjudicatory hearing.
* A Dispositional Hearing shall be held pursuant to Virginia Code § 16.1-278.2 on **[INSERT DATE AND TIME].**
* The local department of social services shall file a Foster Care Plan pursuant to Virginia Code § 16.1-281 by **[INSERT DATE].**

**Adjudicatory Order Language**

The Court ordered:

* A petition alleging that the child has been abused of neglected pursuant to Virginia Code § 16.1-241 (A)(1), or at risk of abuse or neglect pursuant to Virginia Code § 16.1-241 (A)(2a), has been filed. The Court finds that the child is within the jurisdiction of the Court and, based on a preponderance of the evidence, the Court further finds as follows:
* Proper notice of the Adjudicatory Hearing was provided by the Court to: the guardian *ad litem* for the child, parents, **[INSERT NAME OF PARENTS]**, and attorneys fort the parents.
* The child is not an Indian child as defined in 25 U.S.C. §1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.
* A hearing has been held for adjudication of the petition and the child is abused or neglected as defined in Virginia Code § 16.1-228; Specifically, the child is one:
* Whose parents or other person responsible for his care creates or inflicts, threatens to inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions.
* Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child.
* The Court’s determinations supporting entry of the order are based upon the facts contained in the affidavit filed in the case, which are incorporated by reference.

The Court ordered:

* As the child has been found to be abused or neglected, or at risk of abuse or neglect, as provided in the Virginia Code § 16.1-241 (A)(2a), a Dispositional Hearing shall be held on **[INSERT DATE AND TIME].**
* As the child has been placed in foster care, at the Dispositional Hearing a Foster Care Plan filed in accordance with Virginia Code § 16.1-281 shall be reviewed by the Court, and Henrico DSS shall file the foster care plan by **[INSERT DATE].**

**Dispositional Order Language**

The Court issued a Dispositional Order for Underlying Petition, Foster Care Plan. The Court finds that the child is within the jurisdiction of the Court and, based upon a preponderance of the evidence unless otherwise indicated, finds as follows:

* Notice of this hearing was provided to the parents as follows: **[INSERT NAME OF PARENTS]**
* Notice of this hearing and a copy of the foster care plan filed pursuant to Virginia Code 16.1-281 was sent by the court to: **[INSERT NAME OF PARENT]**, mother, **[INSERT NAME OF PARENT]**, father, guardian *ad litem* for child, and attorneys.
* The child is not an Indian child as defined in 25 U.S.C. 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.
* A hearing has been held on the Foster Care Plan filed pursuant to Virginia Code §16.1-281, and the above-named child has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian.
* The Court adjudicated on **[INSERT DATE]** that the child is an abused or neglected child, or is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian. A hearing has been held on the Foster Care Plan filed pursuant to Virginia Code 16.1-281, and the above-named child is in the legal custody of the local board of social services or child welfare agency.
* Upon disposition of the petition, the Court orders:
	+ Custody of the child is transferred to Henrico Department of Social Services.
	+ Transfer of custody or placement occurred on **[INSERT DATE]**, to Henrico Department of Social Services as a result of a court order.
* As this order transfers custody of the child, the Court further finds:
	+ As custody of the child is transferred to a local board of social services, that continued placement in the home would be contrary to the welfare of the child, based upon the facts contained in the following documents which are incorporated by reference: sustained petition, affidavit, and department of social services report.
	+ Reasonable efforts have been made to prevent removal of the child from the home, based upon the facts contained in the following documents, which are incorporated by reference: sustained petition, affidavit, and department of social services report.
* With reference to the Foster Care Plan with the goal of **[INSERT GOAL]** with **[INSERT ANY CONCURRENT GOAL]** as concurrent goal approved as submitted and incorporated by reference
* The Court’s determinations are based upon the facts contained in the Foster Care Plan, which is incorporated by reference.
* Custody of the child is transferred to Henrico Department of Social Services.
* With reference to visitation with the child, who has been placed in foster care: **[INSERT ANY DETAILS FROM COURT ORDER].**
* Visitation between the child and the above parent shall be reasonable and in the discretion of Henrico Department of Social Services and the Guardian ad litem.
* Henrico Department of Social Services shall continue to utilize reasonable efforts in making appropriate service referrals to the parent, child and foster parents as applicable to accomplish the goals set forth in the Foster Care Plan approved herein and orders of the court entered herein. The parents shall continue to utilize their best efforts to fulfill the requirements of the foster care plan approved herein and orders of the court entered herein.
* A Foster Care Review Hearing pursuant to Virginia Code § 16.1-282 shall be held on **[INSERT DATE AND TIME].** Henrico Department of Social Services shall file a petition for Foster Care Review Hearing and Foster Care Plan pursuant to Virginia Code § 16.1-282 by **[INSERT DATE]** which is within three months from the date of this dispositional hearing at which the Foster Care Plan was reviewed pursuant to Virginia Code § 16.1-281.
* Other: **[INSERT ANY ADDITIONAL ORDERS WRITTEN].**

**Foster Care Review Order Language**

* The Court finds that the child is within the jurisdiction of this Court and, based upon a preponderance of the evidence, finds service of process was secured as to the parents for this hearing: **[INSERT NAME OF PARENTS]** were served by personal service of this hearing/ substituted service for this hearing.
* Notice of this hearing and a copy of the Foster Care Plan filed pursuant to Virginia Code 16.1-281 was sent by the court to: **[INSERT NAME OF PARENTS]**, guardian *ad litem* (GAL) for the child, and attorneys for parents.
* The child is not an Indian child as defined in 25 U.S.C. §1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.
* The above-named child is in the legal custody of the local board of social services or child welfare agency. Transfer of custody or placement occurred on **[INSERT DATE]** to Henrico Department of Social Services as a result of a Court order in child in need of services case.
* Transfer of custody or placement occurred on February 22, 2019, to Henrico Department of Social Services as a result of a court order in abuse or neglect case.
* The above-named child is the subject of a Foster Care Review hearing pursuant to Virginia Code § 16.1-281 and since the dispositional hearing held on **[INSERT DATE]** at which the foster care plan was reviewed, the child has been in the legal custody of the board or child welfare agency and the child has not had a petition to terminate parental rights granted, filed, or ordered to be filed on his or her behalf; has not been place in permanent foster care; or is age sixteen or over and the plan for the child is not independent living.
* The above-named child is the subject of a Foster Care Review hearing pursuant to Virginia Code § 16.1-281 and since the Dispositional Hearing held on September 19, 2018, at which the Foster Care Plan was reviewed, the child has been placed through an agreement with the board of social services where legal custody remains with the parents or guardian and such an agreement has not been dissolved by Court order.
* With reference to the Foster Care Plan with the goal of return home/relative placement filed in this case and based upon facts contained in the plan which is incorporated by reference, the Court further finds that reasonable efforts have been made by the agency to reunite the child with his or her parents, guardian, or other person standing in loco parentis to the child.
* The Foster Care Plan is approved as submitted and incorporated by reference.
* Custody of the child is transferred to Henrico Department of Social Services.
* Henrico Department of Social Services shall continue to utilize reasonable efforts in making appropriate service referrals to the parents, child, and foster parents as applicable to accomplish the goals set forth in the Foster Care Plan approved herein and orders of the Court entered herein. The parents shall continue to utilize their best efforts to fulfill the requirements of the Foster Care Plan approved herein and orders of the Court entered herein.

**Permanency Planning Order Language**

* Service of process was secured as to the parents for this hearing: **[INSERT NAME OF PARENT]**, served by personal service for this hearing, and **[INSERT NAME OF PARENT]**, served by substitute service for this hearing.
* Notice of this hearing and a copy of the petition filed pursuant to Virginia Code Section 16.1-282.1 was sent by the Court to foster parents, guardian ad litem for the child and attorneys for parents.
* The child is not an Indian child as defined in 25 U.S.C. § 1903(4) as no information is known or has been discovered that indicates the child is an Indian child. The Indian Child Welfare Act does not apply.
* The above-named child is in the legal custody of the local board of social services or child welfare agency. Transfer of custody or placement occurred on **[INSERT DATE]** to Henrico Department of Social Services. As a results of a Court order in delinquency case.
* The above named child is the subject of a permanency planning hearing pursuant to Virginia Code Section 16.1-282.1 because the child is in legal custody of the local board of social services or a child welfare agency and the child has not had a petition to terminate parental rights granted, filed or ordered to be filed on his behalf; has not been placed in permanent foster care; or is age sixteen or over and the plan for the child is not independent living.
* The above-named child is the subject of a permanency planning hearing pursuant to Virginia Code Section 16.1-282.1 because the child has been placed through an agreement with the local board of social services where legal custody remains with the parents or guardian, and such agreement has not been dissolved by court order.
* The requirement of Virginia Code § 16.1-282.1 C has been addressed as follows: The local board or child welfare agency did not make the child available for consultation.
* Having reviewed the Foster Care Plan with the permanent goal of **[INSERT GOAL]** with a concurrent goal of **[INSERT ANY CONCURRANT GOAL],** and given consideration to the best interest of the child, the Court’s determinations are specified below with regard to reasonable efforts in paragraph six, and the foster care plan in paragraph seven, eight, or nine:
	+ Based upon the facts contained in the plan, which is incorporated by reference, reasonable efforts have been made by the agency to reunite the child with his or her parents, guardian or other person standing *in loco parentis* to the child.
* The interim plan, which meets the requirements of Virginia Code § 16.1-282.1 B, is

approved for the maximum of six months and incorporated by reference.

* Custody of the child is continued with the board or child welfare agency or placement of the child is continued with the board through a parental agreement.
* Since **[INSERT GOAL]** remains the plan for the child: **[INSERT APPROPRIATE LANGUAGE DEPENDING ON GOAL]**
* Approval of an interim plan having been ordered, a secondary permanency planning hearing to achieve the permanent goal by entering an order consistent with Virginia Code § 16.1-282.1 A (i) – (v) shall be held within six months, on **[INSERT DATE AND TIME].** and Henrico Department of Social Services shall file a petition for permanency planning hearing and Foster Care Plan by **[INSERT DATE].**
* **[INSERT ANY ADDITIONAL SERVICES/ORDERS].**