

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Amended

Name

**Consent Decree
(Out-of-Home Placement Only)
Indian Child Welfare Act**

Date of Birth

Case No. _____

The parties entered into a stipulation on [Date] _____ for a consent decree.
 an amended consent decree.

THE COURT FINDS:

1. The victim/family has been given an opportunity to make a statement.
2. If restitution/repairs are ordered, the child/juvenile alone is financially able to pay or the custodial parent is financially able to pay.
3. If the child/juvenile is providing services for the victim, the child/juvenile is physically able to perform services for the victim *[Under age 14, 40 hour limit]* and the victim agrees to accept such services.
4. The stipulation for consent decree is in the child's/juvenile's best interest and the terms and conditions are incorporated herein.
5. The child/juvenile is subject to the Indian Child Welfare Act.
6. The child/juvenile is placed out-of-home.
 - A. Continued custody of the child/juvenile by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses. *[This finding is not required if made at a previous hearing in the case.]*
 - B. Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. *[This finding is not required if made at a previous hearing in the case.]*
 - C. See attached Statement of Active Efforts (IW-1609)
 Placement has been made in accordance with the order of preference set forth in the Indian Child Welfare Act.

OR

There is good cause to depart from the order of placement preference in the Indian Child Welfare Act.

D. Placement in the home at this time is is not contrary to the child's/juvenile's welfare.

E. Reasonable efforts to prevent removal 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 the department or agency responsible for providing services failed to make reasonable efforts.

F. 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.

G. 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.

7. Permanency plan was

not filed.

filed and reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were [Complete one of the following only if a permanency plan was filed]

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

not made by the department or agency responsible for providing services.

8. The placement is certified as a Qualified Residential Treatment Program.

A. The standardized assessment and recommendation by a qualified individual have been submitted.

1. The needs of the child/juvenile can cannot be met through placement in a foster home.

2. The placement does does not provide the most effective and appropriate level of care for the child/juvenile in the least restrictive environment.

3. The placement is is not consistent with the short-term and long-term goals for the child/juvenile, as identified in the permanency plan.

4. The placement is approved disapproved.

OR

B. The agency primarily responsible for providing services will submit the standardized assessment and recommendation by a qualified individual by: _____. [No later than 30 days from date of placement]

THE COURT ORDERS:

1. The child/juvenile is placed 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. 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.
 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. The appointment of the guardian ad litem for the child/juvenile
 terminates until further order of the court.
 is continued to allow the guardian ad litem to perform any of the duties under §48.235(4) or §938.235(4), Wis. Stats.
 is continued for the following purpose(s): _____

4. The appointment of the attorney for the
 mother father other: _____ terminates until further order of the court.
 mother father other: _____ is continued through the term of this order.
 mother father other: _____ is continued for the following purpose(s):

5. The parties must comply with all terms and conditions in the stipulation for consent decree.

6. Failure to comply with this consent decree may result in reinstatement of these proceedings. If not reinstated, the original Petition is dismissed at the end of the appropriate period without further order of the court.

7. Expiration date: _____
[If amending the consent decree, the expiration date may not be extended beyond the original expiration date.]

DISTRIBUTION:

- 1. Court
- 2. Child – if 12 years or older/Juvenile
- 3. Child's/Juvenile's Guardian ad Litem/Adversary Counsel
- 4. Parents
- 5. Parents' Attorney(s)
- 6. Child's/Juvenile's Guardian/Legal Custodian
- 7. District Attorney/Corporation Counsel
- 8. Caseworker
- 9. Tribe
- 10. Indian Custodian