



**ORDER
 TEMPORARY REMOVAL HEARING**

Case No. 22-J-00708-001
 Court District Family
 County Daviess
 Division PAYNE
 Hearing Type: Temp Removal (TRH)

IN THE INTEREST OF: ~~XXXXXXXXXXXXXXXXXXXX~~ A CHILD

DOB	Sex	Race	SSN
XXXXXXXXXX	Male	Asian	XXXXXXXXXX

The following persons were present at today's hearing:

- Mother Father Child County Attorney CHFS Worker _____
 Other Person(s) Exercising Custodial Control or Supervision (PECCS) _____
 Counsel for Child _____ Counsel for Mother C. Wilkey
 Counsel for Father C. Wilkey Counsel for PECCS _____
 CASA _____ Stepparent(s) _____
 Foster Parent(s) _____
 Person(s)/Agency providing care _____
 Other Jett + Abby S. Montalvo-Gesser

FINDINGS OF FACT/CONCLUSIONS OF LAW

NOTE: If additional space is needed for findings, attach as an addendum. If this hearing is continued, please complete #9.

The Court having considered the sworn testimony and evidence, and being otherwise sufficiently advised, hereby finds and concludes:

1. The parent(s) or other person(s) exercising custodial control or supervision has/have stipulated to dependency OR neglect and abuse.
2. The Commonwealth has has not proved by a preponderance of the evidence that there are reasonable grounds to believe that the child would be dependent, neglected or abused if returned to or left in the custody of his/her parent(s) or other person(s) exercising custodial control or supervision.
3. The facts do not support removal or continued removal of the child, or there are less restrictive alternatives to removal that are adequate to reasonably protect the child.

OR

- The facts do support removal or continued removal of the child, or there are no less restrictive alternatives to removal that are adequate to reasonably protect the child. **The specific findings are as follows:**

Child is dependent on the court, under KRS Chapter 610 the child cannot reunify with either parent prior to aging out due to parent's inability to protect child, it is in the child's best interest to remain in US and not return to Afghanistan; child eligible for long-term foster care but placed with adult brother.

4. The child's best interests require do not require the Court to order a change of temporary custody of the child.
5. Continuation in the home of removal is is not contrary to the welfare of the child.

6. Reasonable Efforts:

- Reasonable efforts were made to prevent the child's removal from the home.
- Reasonable efforts to preserve or reunify the child with his/her family are not required pursuant to KRS 610.127.
- Reasonable efforts were not made to prevent the child's removal from the home.
- ICWA Cases Only.** Active efforts have been made to provide services to the family to prevent removal of the American Indian child from his/her parent(s) or American Indian custodian(s) and to reunify the American Indian child with his/her parent(s) or American Indian custodian(s) (if removed).

7. Pursuant to KRS 610.170, the parent(s) or other person(s) exercising custodial control or supervision of the child is is not able to contribute to the support, maintenance or education of the child. If able to contribute, child support may be ordered using an AOC-152, Uniform Child Support Order And/Or Wage/Income Withholding Order.

8. **APPOINTMENT OF COUNSEL:** Counsel as provided for in KRS 620.100(1) has been/will be appointed by separate order, AOC-DNA-10, Order Appointing Counsel.

9. This hearing is continued to the date specified at the end of this Order, and any Emergency Custody Order entered herein shall be extended to that date.

10. If adjudication and/or disposition is/are scheduled beyond forty-five (45) days: It is in the best interest of the child to extend the time for the adjudication and/or disposition beyond forty-five (45) days of the removal of the child as authorized by KRS 620.090(5) AND the following written findings establish the need for the extension:

11. Pursuant to KRS 610.080, the child and the parent(s) have waived their right to two (2) distinct hearings being held on separate days after consultation with the child's attorney; and, further waive the right to a formal predisposition investigation report and move that an adjudication and a disposition hearing be held the same day. Further:

If the disposition is to be commitment, DCBS/DJJ has also consented to the waiver.

ORDER

WHEREAS, the above-named child has been brought before this Court pursuant to KRS 610.010; the Court finds its jurisdiction has been properly sought and based upon the findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT THIS CHILD SHALL:**

Doc. Code:

1. OTHTC Be placed in temporary custody of the Cabinet for Health and Family Services (CHFS). Advisory recommendations for placement, if any, are:

OTHC Be placed in temporary custody of relative(s) or other appropriate person(s) or agency named below.

OTHR Be returned/released to home of removal.

OTHRM Remain in the home.

Name, address and relationship of person(s) with whom the child is placed if other than CHFS:

Name: [Handwritten Name]

Address: [Handwritten Address]

Relationship to the child: Brother

2. The parent(s), guardian(s) or person(s) exercising custodial control or supervision of the child shall cooperate with CHFS and actively participate in treatment or a social service program. (KRS 610.160)

3. OTHER ORDERS:

NEXT HEARING WILL BE HELD Sept. 15, 2022 at 2:00 a.m. p.m. at the following location:

Hearing Type: Pretrial Conference (PC) Adjudication (AH) Other (OH)

The following persons shall be present:

ALL PARTIES AND COUNSEL OF RECORD Except: _____

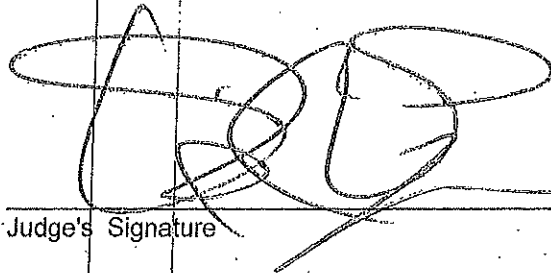
AND:

- CASA _____
- Stepparent(s) _____
- Foster Parent(s) _____
- Person(s)/Agency providing care _____
- Other _____

Date

July 7, 2022

Judge's Signature



Distribution:

- Court file
- Cabinet for Health and Family Services or facility or agency where child is placed
- All counsel of record and/or parent(s)/custodian(s) if the child not represented by counsel

AOC-DNA-5
 Rev. 1-21
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 Commonwealth of Kentucky
 Court of Justice www.kycourts.gov
 KRS 610.010, .050, .070, .080, .110
 KRS 610.160, .170
 KRS 620.023, .027, .100, .140, .220
 FCRPP 21; 27(a) & (b); 42 U.S.C. § 675(5)(G)



**ORDER
 DISPOSITION HEARING**

Case No. 22-J-00140, 22-J-001
 Court District Family
 County Daviess
 Division Payne
 Hearing Type: Disposition (D)

IN THE INTEREST OF: ~~XXXXXXXXXXXXXXXXXXXX~~, A CHILD

DOB	Sex	Race	SSN

The following persons were present at today's hearing:

- Mother Father Child County Attorney CHFS Worker
- Other Person Exercising Custodial Control or Supervision (PECCS)
- Counsel for Child Counsel for Mother C. Wilkey
- Counsel for Father C. Wilkey Counsel for PECCS
- CASA Stepparent(s)
- Foster Parent(s)
- Person(s)/Agency providing care
- Other De't' to Dist. Atty.

FINDINGS OF FACT/CONCLUSIONS OF LAW

NOTE: If additional space is needed for findings, attach as an addendum.

The Court having considered the sworn testimony and evidence, and being otherwise sufficiently advised, hereby finds and concludes:

1. The facts do not support removal or continued removal of the child, or there are less restrictive alternatives to removal that are adequate to reasonably protect the child.

OR

The facts do support removal or continued removal of the child, or there are no less restrictive alternatives to removal that are adequate to reasonably protect the child. The specific findings are as follows:

No parent available
 in USA to care
 for children

2. The child's best interests require do not require the Court to order a change of custody of the child.

3. Continuation in the home of removal is is not contrary to the welfare of the child.

4. REASONABLE EFFORTS:

- Reasonable efforts were made to prevent the child's removal from the home.
- Reasonable efforts to preserve or reunify the child with his/hier family are not required pursuant to KRS 610.127.
- Reasonable efforts were not made to prevent the child's removal or continued removal from the home.
- ICWA Cases Only. Active efforts have been made to provide services to the family to prevent removal of the American Indian child from his/her parent(s) or American Indian custodian(s) and to reunify the American Indian child with his/her parent(s) or American Indian custodian(s) (if removed).

5. The Court has has not received from the Cabinet for Health and Family Services (CHFS) an AOC-DNA-12, Dependency/Neglect or Abuse Dispositional Report, concerning disposition of the child.
6. Pursuant to KRS 610.170, the parent(s) or other person(s) exercising custodial control or supervision of the child is is not able to contribute to the support, maintenance or education of the child. If able to contribute, child support may be ordered using an AOC-152, Uniform Child Support Order And/Or Wage/Income Withholding Order.

ORDER

WHEREAS, the above-named child has been brought before this Court pursuant to KRS 610.010, the Court finds its jurisdiction has been properly sought and based upon the findings of fact and conclusions of law, **IT IS HEREBY ORDERED THIS CHILD SHALL:**

Doc. Code:

1. ODCOM Be committed, or remain committed, to CHFS.
 ODTGR Be placed/Remain out of the home of removal with relative(s) or other appropriate person(s) or agency named below.
 ODRR Be returned/released to home of removal.
 ODREM Remain in the home.

NOTE: An Order of Temporary Custody to CHFS IS NOT a permissible dispositional alternative. (KRS 620.140(2))

Name, address and relationship of person(s) with whom custody is granted if other than commitment to CHFS:

Name: [REDACTED]

Address: _____

Relationship: Brother

2. The parent(s), guardian(s) or other person(s) exercising custodial control or supervision shall cooperate with CHFS and actively participate in any treatment or social service program. (KRS 610.160)
3. The AOC-DNA-12; Dependency/Neglect or Abuse Dispositional Report, with the recommendations of CHFS has been received, accepted and is incorporated herein as ORDERS of this Court.

OR

The AOC-DNA-12, Dependency/Neglect or Abuse Dispositional Report, with the recommendations of CHFS has been received, accepted and is incorporated herein as ORDERS of this Court **WITH THE EXCEPTION OF THE FOLLOWING:**

OR

The Court has has not received an AOC-DNA-12, Dependency/Neglect or Abuse Dispositional Report. However, in lieu of any recommendations included in the AOC-DNA-12, the Court makes the following ORDERS:

4. **APPOINTMENT OF COUNSEL:** Counsel as provided for in KRS 620.100(1) has been/will be appointed by separate order, AOC-DNA-10, Order Appointing Counsel.

5. Pursuant to KRS 610.080, the child and the parent(s) have waived their right to two (2) distinct hearings being held on separate days after consultation with the child's attorney; and, further waive the right to a formal predisposition investigation report and move that an adjudication and a disposition hearing be held the same day. Further:

If the disposition is to be commitment, DCBS/DJJ has also consented to the waiver.

6. For commitment under KRS 620.140: Child needs protection extraordinary services (KRS 600.050).

7. OTHER ORDERS:

NO

NEXT HEARING WILL BE HELD _____, 2____, at _____ a.m. p.m. at the following location:

Hearing Type: Review (REV) 6 Month Permanency Progress Review (PPR) Independent Living Review (ILR)
 Annual Permanency Hearing (APR) Other (OH)

The following persons shall be present:

ALL PARTIES AND COUNSEL OF RECORD Except:

AND:

- CASA
- Stepparent(s)
- Foster Parent(s)
- Person(s)/Agency providing care
- Other

Date

Sept 15 2022

Judge's Signature

[Handwritten Signature]

I CERTIFY THAT THE FOREGOING IS A FULL AND CORRECT COPY AS APPEARS IN MY OFFICE THIS 15 DAY OF Sept, 2022
JENNIFER HARDESTY BESECKER
DAYLESS CIRCUIT CLERK
BY [Signature] DC.

ENTERED
SEP 15 2022
JENNIFER BESECKER, CLERK
BY: _____ D.C.

Distribution:

- Court File
- Certified copy to Cabinet for Health and Family Services or facility or agency where the child is committed or placed
- All counsel of record and/or parent(s)/custodian(s) if the child not represented by counsel