

**COMMONWEALTH OF KENTUCKY
DAVIESS FAMILY COURT
CIVIL ACTION NOS. 22-J-00[REDACTED]-001 & 22-J-00[REDACTED]-001**

IN RE: The Best Interests of [REDACTED]

SUPPLEMENTAL ORDER FROM SEPTEMBER 15, 2022 HEARING

THIS MATTER having come before the Court on September 15, 2022, for an Adjudication hearing on the allegations of dependency of [REDACTED], the parents having appeared at the hearing through counsel, Hon. Clay Wilkey; and the Petitioner [REDACTED] appearing with counsel Hon. Susan Montalvo-Gesser; and Guardian Ad Litem Hon. Steven Boling; and County Attorney Hon. Claud Porter all being in agreement, the Court found that the children are Dependent children. Prior to starting the hearing, through counsel, the parents confirmed that stipulations to dependency findings and that they were unable to provide care for the children to keep them safe in their home country of Afghanistan. Based upon the record and the evidence presented, this Court HEREBY FINDS AND ORDERS as follows:

1. With respect to the factors of KRS §403.270 and Chapter 620, the Court finds that it is not in the children's best interest to return to their birth country of Afghanistan. The children have been in this community almost one year and are well-adjusted in school and the community. The children should remain in the home of their older brother and guardian, [REDACTED], indefinitely. Although the children are eligible for long-term foster care, they are well-adjusted in their brother's home with each other, and it would be contrary to their best interests to remove them from that environment.

2. It is in the best interests of the children that the current caregiver, [REDACTED] remain their custodian. The parties work together well and if they wish to change that arrangement, they may do so by agreed order. If the parties agree to change to a Custody arrangement, it would be proper that [REDACTED] remain the decision-maker for the children's health and education.

3. In accordance with KRS § 403.320, this Court finds that visitation with biological parents remain telephonic and/or by video until such time as the parents are in the United States.

Judge David Payne, Daviess Family Court

TENDERED BY:

Susan Montalvo-Gesser
600 Locust St.
Owensboro, KY 42301

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 - Susan Montalvo-Gesser
 - County Attorney
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