174.1

**IN THE DISTRICT COURT OF** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, KANSAS**

**IN THE INTEREST OF:**

**Name** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No.** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Year of Birth \_\_\_\_\_\_\_\_\_\_\_\_ A** **minor child**

***EX PARTE***

**ORDER AUTHORIZING SECURE PLACEMENT FOR**

**VIOLATION OF VALID COURT ORDER TO REMAIN IN PLACEMENT**

Pursuant to K.S.A. 38-2260

NOW on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_, the Court considers the application for authorization of secure placement. There are no appearances.

THE COURT FINDS:

1. A valid court order to remain in placement was issued in the captioned matter on \_\_\_\_\_\_\_\_;

2. The child named above and the guardian *ad litem* were present on that date and informed orally of the order and the consequences of a violation of the order to remain in placement. A copy of the order was provided to the child and guardian *ad litem*;

3. The child named above was adjudicated a child in need of care on \_\_\_\_\_\_\_\_\_\_\_\_\_ *(date)* pursuant to K.S.A. 38-2202 subsection ☐ **(d)(6)** ☐ **(d)(7)** ☐ **(d)(8)** ☐ **(d)(9)** ☐ **(d)(10)** ☐ **(d)(12)**;

4. Upon *ex parte* consideration of documentation that the child violated the valid court order to remain in placement filed herein, there is probable cause to believe that the child named above has violated the order to remain in placement without good cause. A hearing on the violation is scheduled for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Date and time, within 24 hours)* **.**

5. Based on a written report submitted to the Court, all other placement options have been exhausted or are inappropriate to the needs of the child.

THE COURT THEREFORE FINDS AND ORDERS the above named child

***(If this is the first order removing a child from parental custody, complete and attach Form 107.)***

☐ shall be taken into custody for placement in a secure facility.

☐**shall be** **☐ shall continue to be** placed in the custody of:

☐\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a parent.

☐\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a relative.

☐\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, an unlicensed person with close emotional ties to the child.

☐\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a youth residential facility.

☐\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a shelter facility.

☐The Secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, or emotional or sexual abuse.

IT IS FURTHER ORDERED that the legal custodian of the child is authorized to place the child in a secure facility. This order shall expire 24 hours from its execution. It is further ordered that a copy of this order shall be given to the child named above, the guardian *ad litem*, the child’s parents, and the child’s legal custodian.

IT IS SO ORDERED.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge of the District Court

Authority

K.S.A. 38-2260.

Notes on Use

The court may enter an *ex parte* order directing that a child be held in a secure facility, or juvenile detention facility, if the court finds probable cause to believe that the child violated a valid court order to remain in placement without good cause. K.S.A. 38-2260(f) is unlikely to apply for the purpose of an *ex parte* order.

The *ex parte* order shall be served on the child’s parents, legal custodian and guardian *ad litem* pursuant to K.S.A. 38-2237. The court shall hold a preliminary probable cause hearing within 24 hours, not including Saturdays, Sundays, or legal holidays, of the child being taken into custody under the *ex parte* order. Notice of the hearing shall be given orally or in writing to the child’s parents, legal custodian and guardian *ad litem*. K.S.A. 38-2260(d). The court shall hold an evidentiary hearing on an application for secure placement within 72 hours, not including Saturdays, Sundays, or legal holidays, of the preliminary probable cause hearing. Notice of the hearing shall be given orally or in writing to the child’s parents, legal custodian and guardian *ad litem*. K.S.A. 38-2260(e).