

## **Dispositional Alternatives in Abuse and Neglect Cases**

We have been provided with a copy of a petition alleging that the child, \_\_\_\_\_, has been either abused or neglected. We understand that an adjudication hearing has been scheduled based upon the allegations contained in such petition. As the child's parent, guardian or custodian, we can either (a) admit the petition allegations or (b) not contest the petition allegations or (c) deny the petition allegations. We further understand that the dispositional alternatives listed below will be considered by the judge if (a) such allegations are admitted or (b) there is no contest to such allegations or (c) a trial is held and the judge concludes that the child was abused or neglected.

### **Dispositional Alternatives**

- (a) Release the child without further action.
- (b) Place the child in the custody of his parents, a relative or other person subject to any conditions and limitations as the court may prescribe. If the court finds that temporary relative placement, adoption or foster care placement is inappropriate, unavailable or otherwise not in the best interest of the child, durable legal custody may be granted by the court to any person subject to any limitations and conditions the court may prescribe; such durable legal custody will not take effect unless the child or children have been in the physical custody of the proposed durable custodians for at least one (1) year under the supervision of Child Protection Services. The requirements of Section 43-21-613 as to disposition review hearings does not apply to those matters in which the court has granted durable legal custody. In such cases, Child Protection Services shall be released from any oversight or monitoring responsibilities.
- (c) Order terms of treatment calculated to assist the child and the child's parent, guardian or custodian which are within the ability of the parent, guardian or custodian to perform.
- (d) Order youth court personnel, Child Protection Services or child care agencies to assist the child and the child's parent, guardian or custodian to secure social or medical services to provide proper supervision and care of the child.
- (e) Give legal custody of the child to any of the following but in no event to any state training school:
  - (i) Child Protection Services for appropriate placement; or
  - (ii) Any private or public organization, preferably community-based, able to assume the education, care and maintenance of the child, which has been found suitable by the court. Prior to assigning the custody of any child to any private institution or agency, the youth court through its designee shall first inspect the physical facilities to determine that they provide a reasonable standard of health and safety for the child.
- (f) If the court makes a finding that custody is necessary as defined in Section 43-21-301(3)(b), and that the child, in the action pending before the youth court had not previously been taken into custody, the disposition order shall recite that the effect of the continuation of the child's residing within his or her own home would be contrary to the welfare of the child, that the placement of the child in foster care is in the best interests of the child, and unless the reasonable efforts requirement is bypassed under Section 43-21-603(7)(c), the order also must state:
  - (i) That reasonable efforts have been made to maintain the child within his or her own home, but that the circumstances warrant his or her removal, and there is no reasonable alternative to custody; or
  - (ii) The circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his or her own home, and there is no reasonable alternative to custody; or
  - (iii) If the court makes a finding in accordance with (ii) of this paragraph, the court shall order that reasonable efforts be made towards the reunification of the child with his or her family.
- (g) If the court had, before the disposition hearing in the action pending before the court, taken the child into custody, the judge or referee shall determine, and the youth court order shall recite that reasonable efforts were made by Child Protection Services to finalize the child's permanency plan that was in effect on the date of the disposition hearing.

We acknowledge that the judge has given us the opportunity to ask any questions about the dispositional alternative listed above. We understand (a) the purpose of the adjudicatory hearing and all of the possible dispositional alternatives thereof; (b) the right to counsel; (c) the right to remain silent; (d) the right to subpoena witnesses; (e) the right to cross-examine witnesses; and (f) the right to appeal.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent, guardian or custodian

\_\_\_\_\_  
Signature of counsel, if any, for parent, guardian or custodian