**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

**JUVENILE DIVISION**

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| **IN THE INTEREST OF** **,**Choose an item. | NO. JVJV\_\_\_\_\_\_ORDER OF TEMPORARY REMOVAL PURSUANT TO IOWA CODE SECTION 232.78 |

**NOW ON THIS DAY,** this matter comes before the Court upon the State’s Application for an Order of Temporary Removal Pursuant to Iowa Code Section 232.78. The Court, having reviewed the application and the affidavit of      ,a Choose an item. for the Iowa Department of Health and Human Services (hereinafter “the Department”), considering the statements and arguments of the applicant, and being advised in the premises, **FINDS**:

1. That the child(ren)'s parent was asked and refused to consent to the removal.
2. That said child(ren)’s immediate removal from the home is necessary to avoid imminent danger to the child(ren)’s life or health as detailed in the affidavit.
3. That continued placement of the child(ren) in the parent(s)’ custody is contrary to the welfare of the child(ren) for the reasons set forth in the affidavit. The Court further finds that substantial evidence exists to demonstrate that the necessity for immediate removal outweighs the potential harm removal of the child(ren) would cause the child(ren), including but not limited to any physical, emotional, social and mental trauma the removal may cause the child(ren). The Court incorporates said affidavit by reference and adopts it as if set forth fully herein.
4. That reasonable efforts to prevent the removal of the child(ren) Choose an item.
5. That there is not sufficient time to file a petition and hold a hearing pursuant to Iowa Code Section 232.95.
6. That after consideration of the placement options under Iowa Code Section 232.78(8), the Court finds that:
	1. placement with the other parent is not in the child(ren)’s best interest because      .
	2. placement with a relative is not in the child(ren)’s best interests because      .
	3. placement with fictive kin is not in the child(ren)’s best interest because      ; and
	4. placement with a suitable other person identified by the child(ren)’s relative(s) is not in the child(ren)’s best interest because      .
7. That according to the affidavit filed by the Department, inquiry of the parent(s) has been made regarding any Native American heritage for the parent(s) and/or the child(ren). The Court finds that Choose an item.
8. That according to the affidavit filed by the Department, the following information is known regarding the states the child(ren) lived in and the existence of any other court orders from Iowa or any other state concerning the child(ren) for purposes of considering jurisdiction under the UCCJEA and Iowa Code 598B: Choose an item.

**IT IS THEREFORE ORDERED** that pursuant to Iowa Code Section 232.78, the above-named child(ren) is/are hereby removed from the custody of the parent(s) effective immediately, with law enforcement assistance if requested. After consideration of the placement options in Iowa Code Section 232.78(8), the Court places the child(ren) in the temporary custody of Choose an item.

**IT IS FURTHER ORDERED** thata peace officer assisting in the execution of this temporary removal order may: 1) use such reasonable force as the peace officer reasonably believes to be necessary to effect the temporary removal or to defend any person from bodily harm while making the temporary removal, and 2) use such force as is reasonably necessary to enter the residence of the child or child’s parent, guardian or custodian, where he or she has reasonable cause to believe the child is present, after identifying himself or herself and demanding admittance for execution of the temporary removal order and such demand is not satisfied.

**IT IS FURTHER ORDERED** that a Choose an item. Said examination is required to identify the nature, extent, and cause of injuries to the child(ren) and the child(ren)’s parent is absent or was asked and refused to provide written consent to the examination.

**IT IS FURTHER ORDERED** that within thirty (30) days after the entry of this Temporary Order of Removal, the Department shall exercise due diligence in identifying and providing notice to the child(ren)’s grandparents, aunts, uncles, adult siblings, parents of the child(ren)’s siblings, and adult relatives suggested by the child(ren)’s parents, subject to exceptions due to the presence of family or domestic violence, unless custody of the child(ren) has been transferred from one parent to another parent of the child(ren). The Department may share information as is necessary in order to explore a potential placement with any adult relative who may receive notice.

**RIGHT TO COUNSEL:** The parent(s) of the above-named child(ren) are hereby advised that they have the right to an attorney at all phases of this case. An attorney may have been appointed for the parent already and the parent may contact the Polk County Juvenile Clerk’s Office at (515) 286-2234 to obtain attorney contact information.

**PARENT/CHILD INTERACTIONS:** The Department shall make reasonable efforts to provide for regular and ongoing parent/child interactions.

**IT IS FURTHER ORDERED** that a temporary removal hearing pursuant to Iowa Code Section 232.95 (within 10 days unless waived for good cause) is set for the \_\_th day of \_\_, 2023, at \_\_ a.m./p.m. in Courtroom \_\_ of the Polk County Justice Center, 222 5th Avenue, Des Moines, Iowa 50309.

The Iowa Department of Health and Human Services shall provide a copy of this Order to the parent(s) of the child(ren).

***The parents are hereby informed that a possible consequence of a removal may include termination of parental rights with respect to the child(ren) if the child(ren) are not returned to parental custody within statutory time frames. Additionally, the parents are informed that they must request assistance or services they believe necessary to have the child(ren) returned to their care rather than wait for the services to be offered.***

Clerk to Notify.

**IT IS SO ORDERED.**