

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____

Case Name: _____

Case Number: _____
(if known)

CONTRARY TO THE WELFARE AND/OR REASONABLE EFFORTS ORDER

CHINS **DELINQUENT**

FOR USE WHEN: When a child/minor is removed from the home or his/her removal is contemplated, State law requires the Court make findings as follows:

CHINS (When and What Finding)

DELINQUENT (When and What Finding)

A. Initial Removal, **Contrary to the Welfare**

Initial Removal, **Contrary to the Welfare**

B. Within 60 days of Removal,
Reasonable Efforts to Prevent Removal

Within 60 days of Removal,
Reasonable Efforts to Prevent Removal

C. Review Hearing, **Reasonable Efforts
to Finalize the Permanency Plan**

N/A

D. Permanency Hearing, **Reasonable Efforts
to Finalize the Permanency Plan**

Permanency Hearing, **Reasonable Efforts
to Finalize the Permanency Plan**

FINDINGS OF FACTS

The Court makes the following findings of fact:

A. **CONTRARY TO THE WELFARE FINDING, PURSUANT TO RSA 169-B:11-a, I AND RSA 169-D:10-b, I (INITIAL REMOVAL)** (Required unless a child/minor is released to a parent or legal guardian)

Continuation in the home **is** **is not** contrary to the child's/minor's welfare for the following reasons:

CHINS CASES: *Unless a child is released to a parent or legal guardian, the Court shall determine, pursuant to RSA 169-D:10-b, whether continuation in the home is contrary to the child's welfare. The Court is required to make this determination in its first court ruling that sanctions, even temporarily, the removal of a child from the home (i.e. taken into temporary custody and removed from the home immediately thereafter). If the determination is not made, the child will be ineligible for Title IV-E foster care maintenance payments for his/her entire stay in an out-of-home placement.*

Case Name: _____

Case Number: _____

CONTRARY TO THE WELFARE AND/OR REASONABLE EFFORTS ORDER

DELINQUENT CASES: Unless a minor is released to a parent or legal guardian, the Court shall determine, pursuant to RSA 169-B:11-a, I, whether continuation in the home is contrary to the minor's welfare. If the "contrary to the welfare" determination is not made in the first court ruling, the minor will be ineligible for Title IV-E foster care maintenance payments for his/her entire stay in an out-of-home placement. This is required even if the removal (arrest, custody, and placement or detention) is only temporary, provided it exceeds four (4) hours. The Court is required to make this determination in its first court ruling that sanctions, even temporarily, the removal of a minor from the home (i.e. arrested or taken into custody and placed with someone other than a parent or legal guardian).

B. REASONABLE EFFORTS TO PREVENT THE REMOVAL, PURSUANT TO RSA 169-B:11-a, II AND RSA 169-D:10-b, II (WITHIN 60 DAYS OF REMOVAL) THE COURT FINDS (SELECT i, ii OR iii):

i. Reasonable efforts **were made** **were not made** by DJJS or another agency to prevent the child's/minor's removal from the home of mother father legal guardian as follows:

ii. Based on the safety considerations and circumstances of the child/minor and family at the time of removal, it is **reasonable that no additional effort is required** by DJJS to maintain the child/minor in the home of mother father legal guardian.

iii. **Reasonable efforts were not required** to be made by DJJS to prevent the child's/minor's removal from the home of mother father legal guardian because the parent/guardian has been convicted of a crime, pursuant to one of the following: RSA 630:1-a; 630:1-b; 630:2; 629:1; 629:2; 629:3; 631:1; 631:2; 632-A:2; 632-A:3.

State law requires that within 60 days of a child's/minor's removal from the home the Court make a "reasonable efforts" determination. If the determination is not made, the child/minor will be ineligible for Title IV-E foster care maintenance payments for her/his entire stay in foster care.

C. REASONABLE EFFORTS TO FINALIZE THE PERMANENCY PLAN, PURSUANT TO RSA 169-D:21, II (REVIEW HEARING, CHINS ONLY) THE COURT FINDS (SELECT i AND ii):

i. The child has been in an out-of-home placement for _____ months, since _____ (Date). Reasonable efforts to finalize the permanency plan that is in effect **were made** **were not made** by DJJS to make it possible for the child to return to the home. The reasonable efforts or deficiencies were as follows:

ii. Reunification is and remains the permanency plan for the child in an out-of-home placement **AND** The **concurrent plan** is one of the following:
 Termination of Parental Rights (TPR)/Adoption Parental Surrender/Adoption;
 Guardianship with a Fit and Willing Relative _____;
 Guardianship with Another Appropriate Party _____; or
 Another Planned Permanent Living Arrangement (APPLA) _____

Case Name: _____

Case Number: _____

CONTRARY TO THE WELFARE AND/OR REASONABLE EFFORTS ORDER

State law requires that at a CHINS review hearing the court determine whether DJJS has made reasonable efforts to finalize the permanency plan that is in effect. In most instances, the permanency plan that is in effect is reunification and when this is the plan, the Court shall consider whether services to the family have been accessible, available, and appropriate.

D. REASONABLE EFFORTS TO FINALIZE THE PERMANENCY PLAN, PURSUANT TO RSA 169-B:31-a, III AND RSA 169-D:21-a, III (PERMANENCY HEARING) THE COURT FINDS (SELECT i AND also ii OR iii) :

i. The child/minor has been in an out-of-home placement for _____ months, since _____ (Date). Reasonable efforts to finalize the permanency plan that is in effect **were made** **were not made** by DJJS to make it possible for the child/minor to return to the home. The reasonable efforts or deficiencies were as follows:

ii. Reunification is the permanency plan for the child/minor in an out-of-home placement **AND**
 The **concurrent plan** is: _____

The following is **required by DJJS to implement the permanency plan** for the child/minor:

iii. Reunification is no longer the permanency plan for the child/minor in an out-of-home placement **AND** the **new permanency plan** is one of the following:

- Termination of Parental Rights (TPR)/Adoption Parental Surrender/Adoption;
- Guardianship with a Fit and Willing Relative _____;
- Guardianship with Another Appropriate Party _____; or
- Another Planned Permanent Living Arrangement (APPLA) _____

The following is **required by DJJS to implement the permanency plan**. Where **APPLA** is the permanency plan and the **child/minor is 16 years or older**, the implementation of the permanency plan should include the services and educational planning that will help with the transition to independent living.

State law requires that at a permanency hearing the Court determine whether DJJS has made reasonable efforts to finalize the permanency plan that is in effect. In most instances, the permanency plan in effect is reunification and the Court is required to consider whether services to the family have been accessible, available, and appropriate. Title IV-E foster care maintenance funds will not available until this court finding is made.

Case Name: _____

Case Number: _____

CONTRARY TO THE WELFARE AND/OR REASONABLE EFFORTS ORDER

E. THE COURT FURTHER ORDERS:

See attached further orders.

These orders are effective immediately. All prior consistent orders remain in effect.

So Ordered:

PLEASE NOTE: This order shall reflect the date of the hearing as the date the finding was made and the order issued.

Date

Signature of Judge

Printed Name of Judge

- CC: Attorney for Child/Minor
 Mother
 Father
 Legal Guardian
 DJJS/JPPPO
 Other: _____

- Prosecutor
 _____ School District (Sending)
 _____ School District (Receiving)