

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
CHILD PROTECTION DIVISION**

STATE OF ILLINOIS |
COUNTY OF COOK | ss:

Case No. _____

IN THE INTEREST OF:

Tribal Enrollment No (If Known):

Minor

**CONTINUANCE ORDER AND DETERMINATION AS TO THE APPLICATION
OF 25 U.S.C. 1901 ET SEQ. (ICWA)
(PRE-DISPOSITON)**

THIS CAUSE coming to be heard upon the Motion of _____, the Court having jurisdiction over the matter, and being fully advised in the premises:

THE COURT FINDS that the temporary emergency custody of the above-named minor may continue for the following reasons:

- 1. A hearing noticed in accordance with 25 U.S.C. 1901 et seq. (ICWA) and 25 CFR 23 et seq. has been conducted and resulted in a determination by the Court, supported by clear and convincing evidence, that:
 - (Pre-disposition) custody of the child by the parent or Indian custodian is likely to result in imminent physical damage or harm to the child.

AND

- 2. The Court determines that extraordinary circumstances exist which have prevented the commencement of the adjudicatory and/or dispositional hearing. These extraordinary circumstances include: (check all that apply)
 - a. It has not been established, despite diligent efforts, that the above is an Indian Child pursuant to 25 U.S.C. 1901 et seq. and 25 CFR 23.2 et seq. Appropriate notice has been sent to the Indian Tribes or bands in which the child may be a member or eligible for membership, but responses from those tribes/bands are still outstanding.
 - b. Notice and jurisdiction over _____, a necessary party, has not been completed despite diligent efforts.
 - c. A material witness including, but not limited to, a qualified expert witness is not present, the lack of which would severely prejudice the People's case-in-chief and diligent efforts were made to secure the presence of such a witness.
 - d. _____, a parent/Indian custodian, who has previously appeared in this case, requests a continuance in the matter and the continuance is granted by the Court for good cause.
 - e. Other extraordinary circumstance(s) exist, including, but not limited to:

The Court further finds:

3. That continued emergency removal and the placement of the minor is necessary to prevent imminent physical damage or harm to the child.

OR

4. The Court also finds that the active efforts, as defined in 25 U.S.C. 1901 et seq. (ICWA) and 25 CFR 23.2, have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and to assist the parents and/or Indian custodian so that the child may safely return to them. The active efforts include, but are not limited to:

Such active efforts have so far failed to eliminate the need for the removal of the child from the parent and continue to be offered to the parents and/or Indian custodian to terminate the need for the removal of the child from the parent and/or Indian custodian.

5. The Court also finds: (check one)

- a. that ICWA applies because the minor is an Indian Child as defined in 25 U.S.C. 1901 et seq. (ICWA)
- b. that ICWA does not apply because the minor is not an Indian Child as defined in 25 U.S.C. 1901 et seq.

6. Court Form 4602, A Waiver of Adjudicatory Hearing Time Limit pursuant to 705 ILCS 405/2-14(d): (check one)

- a. has not been entered
- b. was entered on (specify date): _____
- c. is entered today in addition to this order

The next court date, pursuant to 25 CFR 23.113, shall be set within thirty (30) days of this date.

Therefore, on motion of _____, this cause is continued to: _____ for _____.

ENTERED:

Dated: _____

Judge

Judge's No.