IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

In the Matter of:	)	Case Number: _____
	)	
_____,	)	**PROTECTIVE CUSTODY ORDER**
A Child.	)	(ORS 419B.150 et seq.)

This matter came before the Court upon the declaration or sworn statement of ☐ ODHS ☐ other: _____under ORS 419B.150 on: _____, 20_____.

Evidence considered:
☐ Declaration dated: _____.
☐ Sworn testimony
☐ Other: _____

Child's information (if known): DOB: _____ ODHS Case Number: _____

THE COURT HEREBY FINDS:

1. INDIAN CHILD WELFARE ACT (ICWA)/ORICWA FINDINGS

☐ ODHS **made** a good faith effort to determine whether there is reason to know the child is an Indian child.

☐ ODHS **did not make** a good faith effort to determine whether there is reason to know the child is an Indian child and therefore the request for a protective custody order must be denied.

☐ The ICWA/ORICWA **does not** apply.

☐ At this time, the Court **does not have reason to know that the ICWA/ORICWA applies.**

☐ The Court **knows or has reason to know** that the **child is an Indian Child** under ICWA/ORICWA. ☐ The child's tribe is unknown, or ☐ the child's tribe is: _____, and emergency notice under Or Laws 2021, ch. 398, §15 (1) ☐ was provided ☐ was not provided because the nature of the emergency did not allow for notice.

2. UCCJEA DETERMINATION

Based on the submitted declaration and/or sworn testimony, this Court ☐ **does** ☐ **does not** have jurisdiction under the UCCJEA (ORS 109.701 to 109.834) to make "a child custody determination".

☐ Oregon is the child's home state (has been living with parent or person acting as a parent for six months or from birth if child less than six months old) (ORS 109.741 (1)(a))

☐ Temporary emergency jurisdiction exists because child has been abandoned or the child, a sibling or parent is being subjected to or threatened with mistreatment or abuse (ORS 109.751).

3. PROTECTIVE CUSTODY FINDINGS

The Court finds that protective custody ☐ **is** ☐ **is not** necessary and the least restrictive means available to:

- ☐ protect the child from abuse, and/or
- ☐ prevent the child from inflicting harm on self or others, and/or
- ☐ ensure that the child remains within the reach of the juvenile court to protect the child from abuse or to prevent the child from inflicting harm on self or others, and/or
- ☐ ensure the safety of a child who has run away from home, **or**

☐ (if ICWA/ORICWA applies) prevent imminent physical damage or harm to the child

AND

Protective custody ☐ **is** ☐ **is not** in the best interests of the child.

ORDER:

The request for a protective custody order is: ☐ Granted ☐ Denied

It is ordered that a peace officer, authorized employee of the State of Oregon Department of Human Services ☐ or other: _____ take the above-named child, described in the attached declaration, into protective custody. A peace officer must take all reasonable steps to take the child into protective custody.

☐ Additional orders:_____

_____

_____

The child may not be held more than 24 hours (excluding judicial holidays and weekends) without a shelter hearing.

If oral testimony was offered outside of the courtroom in support of this order, the applicant shall retain a copy of the recorded testimony.

_____ _____

_____