

**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.)

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This matter came before the Court upon the declaration or sworn statement of  DHS  other:  
under ORS 419B.150 on: \_\_\_\_\_, 20\_\_\_\_\_.

Evidence considered:

- Declaration dated:
- Sworn testimony
- Other:

Child's information (if known): DOB: \_\_\_\_\_ DHS Case Number: \_\_\_\_\_

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**THE COURT HEREBY FINDS:**

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

- 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 notice under Or Laws 2020, ch. 14, §16 (1<sup>st</sup> Spec Sess)  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: \_\_\_\_\_ may take the above-named child, described in the attached declaration, into protective custody. A peace officer may take all reasonable steps to take the child into protective custody including by entering any vehicle or premises as necessary to execute this order if there is probable cause to believe the child is present in the vehicle or premises.

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.