



**CHILDREN'S  
JUSTICE PROJECT**  
A Project of the Wyoming Supreme Court

# Child Protection Act Quick Reference Guide Mandatory Court Findings and Order Language

## Overview

In every case under the Child Protection Act, the Court must make certain findings on the record pursuant to statute. These findings should then be documented in the written court orders memorializing the hearing. Failure to make these mandatory findings and document them in court orders can result in the loss of funding for children in these cases.

## Shelter Care

- At the Shelter Care hearing, the Court must find and the order must state:
  - Whether it is contrary to the welfare of the child to return home pending further proceedings;
  - If the child is continued in shelter care, the Court must **place the child in the legal custody of the Department of Family Services**.

## Adjudication

- At the Adjudication, the Court must find and the order must state:
  - If there is not an adjudication, that the case is dismissed and the parties are released from all previous court orders;
  - If there is an adjudication, that the child is found to be a neglected child; and,
  - If the child is continued in out of home placement, the **out of home placement orders** must be made.

## Disposition

- At the Disposition, the Court must find and the order must state:
  - What materials were reviewed in making the disposition;
  - Whether the Court is placing the child in accordance with the recommendations of the PDR or the MDT. The Court shall state specific findings of fact if it does NOT agree with the PDR or MDT;
  - If the child is continued in out of home placement, the Court must make the **out of home placement orders**.

## Non-Removal Orders

- At any hearing where the child IS NOT removed from the home, the Court must find and the order must state:
  - Reasonable efforts have been made to preserve the family and prevent the need for removal.

## Out of Home Placement Orders

- Anytime a child is removed from home or continued in out-of-home placement, the Court must find and the order must state:
  - For the initial removal:
    - Reasonable efforts have been made to prevent the removal OR reasonable efforts were not possible due to the emergent nature of the situation. This finding **MUST** be detailed and child-specific;
    - Continuation in the home would be contrary to the welfare of the child OR it is in the best interest of the child to be removed from the home;
    - The child is placed in DFS custody for appropriate placement OR, if the Court specifically names the placement, whether or not DFS agreed with the placement. If DFS did not agree with the placement, a reason why DFS's recommendation was rejected must be given.
  - For continuing removal:
    - Reasonable efforts were made to make it possible for the child to return home;
    - By clear and convincing evidence, it would not be in the best interest of the child to return home despite efforts that have been made;
    - DFS should continue to be responsible for the placement of the child.

## Out-of-State Placements

- If a child is placed out-of-state, the Court must find and the order must state:
  - Evidence was presented to the court regarding the costs of out-of-state placement, the comparative costs of any suitable alternative in-state placement, and whether or not placement at the in-state program is available;
  - No placement can be made in a Wyoming program that would provide adequate treatment or services for the child;
  - Why no in-state placement is available;
  - The **out of home placement orders**.



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## Psychiatric Residential Treatment Facilities

- If a child is to be placed in a PRTF, the Court must find and the order must state:
  - That the child is placed in accordance with the recommendations of his or her psychiatric evaluation;
  - The [out of home placement orders](#).
- Court orders MUST NOT name the specific facility or level of care.

## Qualified Residential Treatment Program

- If the child is placed in a Q RTP, the Court must find and the order must state:
  - At the time of initial placement:
    - That a qualified assessment shall be conducted and presented to the Court within thirty (30) days;
    - The [out of home placement orders](#).
  - Within sixty (60) days of the initial placement:
    - Whether the child's needs can be met through placement in a foster family home OR whether the placement in a Q RTP provides the most effective and appropriate level of care for the child in the least restrictive environment;
    - Whether the placement is consistent with short-term and long-term goals of the child;
    - Whether or not the court approves or disapproves of the placement;
    - The [out of home placement orders](#).

## Review Hearing

- At the Review Hearing, the Court must find and the order must state:
  - That the case plan was reviewed and:
    - A determination about the health and safety of the child;
    - The continuing necessity for placement;
    - The appropriateness of the current placement;
    - The reasonableness of efforts made to reunify the family and the consistency of those efforts with the case plan;
    - The appropriateness of the case plan and the extent of compliance with the case plan including the permanent placement of the child;
    - If progress has been made toward alleviating or mitigating the causes necessitating placement outside the home and the extent of that progress;
    - The date the child is expected to be returned to the home or placed for adoption or legal guardianship.
  - If the child is continued in out-of-home placement, the Court must make the [out of home placement orders](#).

## Permanency Hearing

- At the Permanency Hearing, the Court must find and the order must state:
  - Whether the permanency plan is in the best interest of the child;
  - Whether DFS has made reasonable efforts to finalize the plan;
  - What additional steps DFS must take to effectuate the terms of the permanency plan;
  - What the child's desired permanency outcome is;
  - If the permanency plan is classified as another planned permanent living arrangement, why, as of the date of the hearing, that is the best permanency plan for the child and the reasons why it continues not to be in the best interest of the child to return home or be placed for adoption or with a legal guardian or a fit and willing relative for purposes of guardianship or adoption;
  - That the child should be provided, to the greatest extent possible, the opportunity to participate in age appropriate or developmentally appropriate activities and experiences; and
  - If the child is continued in out-of-home placement, the Court must make the [out of home placement orders](#).