**SUPERIOR COURT OF THE STATE OF ARIZONA**

**PIMA COUNTY JUVENILE COURT**

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| --- | --- |
| In the Matter of:<#Side2#> Minor(s) | <#CaseNumber#>**ORDER RE: ICWA CONTESTED IMMINENT HARM HEARING**<#JudicialOfficerName#> |

After a judicial finding of imminent harm was made

[ ]  in the court-authorized removal order

[ ]  in the temporary orders after emergency removal of the child/ren

[ ]  at the time of the preliminary protective hearing,

a hearing was held at the request of the parent/s  pursuant to the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1922, and 25 C.F.R. § 23.114, contesting whether removal was necessary to prevent imminent physical damage or harm to the child/ren.

Having considered and weighed the evidence and the credibility and demeanor of the witnesses,

**[ ]  THE COURT FINDS** that probable cause **did** exist to believe that removal was necessary to prevent imminent physical damage or harm to the child/ren. Therefore,

**IT IS ORDERED** that the child/ren’s current placement is **AFFIRMED**.

[ ]  **THE COURT FINDS** that probable cause **did not** exist to believe that removal was necessary to prevent imminent physical damage or harm to the child/ren. With regard to return of the child/ren,

**THE COURT FURTHER FINDS**:

[ ]  **It is proven** by a preponderance of the evidence that return of the child/ren to the parent/s would subject the children to substantial and immediate danger or threat of such danger, and continued out-of-home placement is necessary to prevent substantial and imminent physical damage or harm pursuant to 25 C.F.R. § 23.114 (b). Therefore,

**IT IS ORDERED** that the child/ren’s current placement is **AFFIRMED.**

[ ]  It is **not** proven by a preponderance of the evidence that return of the child/ren to the parent/s wouldsubject the child/ren to substantial and immediate danger or threat of such danger, and continued out-of-home placement is not necessary to prevent substantial and imminent physical damage or harm pursuant to 25 C.F.R. § 23.114 (b). Therefore,

**IT IS ORDERED** that the children **must be returned** to the physical custody of the parent/s [ ]  immediately [ ]  as of the following date .

**IT IS FURTHER ORDERED:** 



Dated: <#DocumentDate#>

 XXX

cc: <#cc#>