



ORDER OF DETENTION

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

[This court order is intended as a sample only. Prior to use, the office of your juvenile prosecutor, IV-E coordinator, and juvenile court should review this order]

IN THE DISTRICT/COUNTY COURT
COUNTY
STATE OF TEXAS

ORDER OF DETENTION

IN THE MATTER OF

NO. 4501

JOHN Q. PUBLIC

ON THIS, the \_\_\_ day of \_\_\_, 20\_\_\_, this court conducted a detention hearing in accordance with Section 54.01 of the Texas Family Code.

The above named child, John Q. Public, appeared in person and with said John Q. Public also appeared \_\_\_, his/her parent(s) / \_\_\_, his/her custodian/caregiver, and, \_\_\_ his/her attorney.

Whereupon, due notice having been given as required by law, and the Court having informed the parties of the child's rights in accordance with Section 54.01(b) of the Texas Family Code, the Court proceeded to hear the pleadings, evidence and argument of counsel and all parties having closed, the court finds that probable cause does exist to believe that said child has engaged in delinquent conduct.

The court finds that it is contrary to the child's welfare to continue to remain in the home of (insert the name of the individual(s) from whose home the child is being removed and whose actions are reflected in Exhibit A) and that it is in the best interest of the child to be placed outside of (his or her) home for the reasons stated in Exhibit A incorporated herein.

The court finds that reasonable efforts have been made to prevent or eliminate the need for the child to be removed from (his or her) home, and to make it possible for the child to return to (his or her) home as referenced in Exhibit B incorporated herein.

IT IS, THEREFORE, THE ORDER OF THIS COURT, that the child be detained in the \_\_\_ County Juvenile Detention Center and remain there until the conclusion of a disposition hearing or until further order of the Juvenile Court, but in no event shall this order be effective for more than ten working days without further proceedings under Section 54.01 of the Texas Family Code.

IT IS FURTHER ORDERED that the \_\_\_ County Juvenile Probation Department be responsible for the child's care and placement.

SIGNED this \_\_\_ day of \_\_\_, 20\_\_\_.

Juvenile Judge Presiding



EXHIBIT A

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

IN THE DISTRICT/COUNTY COURT
COUNTY
STATE OF TEXAS

IN THE MATTER OF
JOHN Q. PUBLIC

NO. 4501

EXHIBIT A

The court finds that it is contrary to the child's welfare to continue to remain in the home of (insert the name of the individual(s) from whose home the child is being removed and whose actions are reflected in Exhibit A) and that it is in the best interest of the child to be placed outside of (his or her) home for the following reasons:

Check the appropriate criteria to detain; then indicate which specific reason(s) apply for the home referenced above. A blank box is included for any specific reasons not listed.

Form with multiple sections: 'The child is likely to abscond from the jurisdiction of the court:', 'Suitable supervision, care, or protection is not being provided by a parent, guardian, custodian, or other person:', 'The child has no parent, guardian, custodian, or other person able to return him/her to the court when required:', 'The child may be dangerous to him/herself or may threaten the safety of the public if released:', 'The child has previously been found to be a delinquent child or has previously been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released:'. Each section contains a list of criteria and an 'Other:' field.



ORDER OF DISPOSITION

TEXAS JUVENILE JUSTICE DEPARTMENT

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IN THE DISTRICT/COUNTY COURT
COUNTY
STATE OF TEXAS

ORDER OF DISPOSITION

IN THE MATTER OF

NO. 4501

JOHN Q. PUBLIC

ON THIS, the \_\_\_ day of \_\_\_, 20\_\_\_, came on to be heard for disposition the above numbered and entitled cause. The above named child was adjudged to have engaged in delinquent conduct for the offense(s) of \_\_\_ in a hearing held by this court on the \_\_\_ day of \_\_\_, 20\_\_\_.

After due notice had been served on all parties as required by law, came and appeared the Petitioner represented by \_\_\_, its District/County Attorney, and announced ready for such hearing. And thereupon also came the child, who appeared in person with \_\_\_, his/her parent(s) / \_\_\_, his/her custodian/caregiver, and \_\_\_, his/her attorney.

Prior to the hearing, the attorney for the Respondent was provided with access to all written matter to be considered by the Court in disposition.

All parties announced ready for such hearing and thereupon the Court after hearing the pleadings of all parties and after hearing evidence and argument of counsel, finds that the child is in need of rehabilitation and for the protection of the public and of the child, a disposition must be made.

The Court finds that the educational needs of the Respondent were assessed in the written report prepared by the Juvenile Probation Department and are adequately addressed in the probation plan.

The Court finds \_\_\_ is/are the person(s) responsible for the support of the Respondent. After notice, the respondent and the person(s) was/were given a reasonable opportunity to be heard concerning his/her ability to pay costs of court and probation fees.

\_\_\_ The Court finds that the Respondent and the person(s) responsible for his/her support are unable to pay the costs of court, and the supervision fee, and they are hereby waived.

\_\_\_ The Court finds that the Respondent and the person(s) responsible for his/her support are able to pay the costs of court in the amount of \$ \_\_\_ and a monthly supervision fee of \$ \_\_\_.

IT IS HEREBY ORDERED that \_\_\_ pay costs of court in the amount of \$ \_\_\_.



ORDER OF DISPOSITION

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JUSTICE
DEPARTMENT

IT IS HEREBY ORDERED that \_\_\_\_\_ make monthly supervision fee payments of \$ \_\_\_\_\_ beginning on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and continuing each month for as long as the Respondent remains on probation.

The court finds that it is contrary to the child's welfare to continue to remain in the home of (insert the name of the individual(s) from whose home the child is being removed and whose actions are reflected in Exhibit A) and that it is in the best interest of the child to be placed outside of (his or her) home for the reasons stated in Exhibit A incorporated herein.

The court finds that reasonable efforts have been made to prevent or eliminate the need for the child to be removed from (his or her) home, and to make it possible for the child to return to (his or her) home as referenced in Exhibit B incorporated herein.

IT IS FURTHER ORDERED that the \_\_\_\_\_ County Juvenile Probation Department be responsible for the child's care and placement.

IT IS, THEREFORE, THE ORDER OF THIS COURT, that the Respondent be placed on probation at (NAME OF FACILITY), under the attached rules of probation for a period of \_\_\_\_\_, to expire on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, subject to extensions not to exceed one year each until Respondent reaches eighteen years of age.

The Court hereby instructs the Respondent of his/her rights with respect to appeal under section 56.01 of the Texas Family Code.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Juvenile Judge Presiding



**EXHIBIT B**

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

IN THE DISTRICT/COUNTY COURT  
\_\_\_\_\_  
COUNTY  
STATE OF TEXAS

IN THE MATTER OF

NO. 4501

JOHN Q. PUBLIC

**EXHIBIT B**

The court finds that reasonable efforts have been made to prevent or eliminate the need for the child to be removed from (his or her) home. The following services and/or programs were provided:

\_\_\_\_\_ The child and/or family was previously referred to the following community, court, or educational programs: *(LIST PROGRAMS)*

\_\_\_\_\_ The child and/or family was previously referred to the following counseling or psychological services: *(LIST SERVICES)*

\_\_\_\_\_ The child and/or family is receiving or has previously received services from TDFPS or MHMR. *(LIST SERVICES)*

\_\_\_\_\_ The nature of the circumstances in the child's home, which may include the offense, required the child's removal. *(EXPLAIN)*

\_\_\_\_\_ *LIST AND EXPLAIN* any other specific circumstances not addressed above.



## UNDEREMPLOYED PARENT CHECKLIST

*(To Determine Whether Parental Deprivation Exists)*

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### PURPOSE OF FORM

Use this form to determine whether parental deprivation exists based on parental underemployment. This applies only when two legal parents live in the home of removal and neither parent is physically or mentally incapacitated. This does not apply when one of the parents is a stepparent.

### PROCESSING

This form must be completed for re-determination of the child's Title IV-E eligibility and submitted to the Texas Juvenile Justice Department (TJJD) with the Foster Care Assistance Review (FCAR) form, TJJD-IVE-365.

1) Who is the Primary Wage Earner (PWE) in the home of removal? <i>PWE is defined as the legal parent who has earned the most income in the last two years</i>	<input type="checkbox"/> Father	<input type="checkbox"/> Mother
2) Was the PWE unemployed during the entire month?	<input type="checkbox"/> Yes**	<input type="checkbox"/> No

\*\*If the PWE was unemployed during the entire month, parental deprivation exists – **STOP!**

3) Does the PWE work, on average, <b>less than 100</b> hours per month? <i>Average the hours worked for the last three months</i>	<input type="checkbox"/> Yes**	<input type="checkbox"/> No
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\*\*If the PWE works, on average, less than 100 hours per month, parental deprivation exists – **STOP!**

4) If the PWE works, on average, <b>more than 100</b> hours per month, indicate his/her average gross monthly earned income and refer to table below to determine if income guidelines for deprivation are met. <i>Average the gross monthly earned income for the last three months</i>	\$
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*To calculate monthly income: If paid weekly multiply by 4.33; if paid bi-weekly multiply by 2.17; if paid bi-monthly multiply by 2*

### INCOME GUIDELINES FOR UNDEREMPLOYED PARENT

To determine if the PWE meets the income guidelines for Underemployed Parent, compare the PWE's averaged gross monthly earned income to the maximum income limit for the certified group size.

The Certified Group includes (in home at time of removal):

- Eligible child (child being reviewed)
- Legal Parent(s)
- Siblings

The Certified Group size is both parents plus the number of dependents in the AFDC Certified Group.

Certified Group Size	Maximum Income Limit
1	-
2	498
3	824
4	925
5	1073
6	1176
7	1319
8	1422

Certified Group Size	Maximum Income Limit
9	1595
10	1698
11	1871
12	1975
13	2147
14	2251
15	2423
For each additional member	173

- If the PWE's averaged gross monthly earned income is equal to or less than the maximum income limit for the Certified Group size, the PWE is considered underemployed. **Deprivation does exist.**
- If the PWE's averaged gross monthly earned income exceeds the maximum income limit for the Certified Group size, the PWE is not considered underemployed. **Deprivation does not exist.**

**IF DEPRIVATION DOES NOT EXIST, THE CHILD IS NOT ELIGIBLE FOR IV-E**

## AFDC INCOME DETERMINATION WORKSHEET

List the legally responsible adults and any siblings who are residing in the home at the time of removal.

**NOTE:** The earned income of a child under 18 is not counted if the child is attending school full-time or attending part-time and working less than 30 hours per week.

Name	DOB	SSN	Relationship	Income Source	Monthly Gross Earned Income
			Child Being Placed		

To calculate monthly income: If paid weekly, multiply by 4.33; if paid bi-weekly, multiply by 2.17; if paid bi-monthly, multiply by 2

AFDC criteria is based on household income during the month/year of	
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*Financial need must be established based on household income during the month of removal*

### STEP 1

1. Total number of people in the certified group (excluding SSI recipients)	
2. Number of parents in the certified group (excluding step-parents)	
<b>3. 185% AFDC income limit (refer to AFDC Needs Standard Income Limits chart)</b>	
4. Total monthly gross earned income	
5. Total monthly unearned income (\$50 disregard for child support received deducted by DFPS)	
6. Applied income of step-parent (if applicable)	
<b>7. Total countable income (total #4, #5 and #6)</b>	

Was the child and family's total countable income (#7) equal to or less than the 185% AFDC income limit (#3)?  Yes  No

**IF YES**, proceed to step 2;

**IF NO**, the child is not eligible for Title IV-E; do not submit a foster care assistance application. The eligibility determination process is complete.

### STEP 2

1. Total monthly gross earned income (same as #4 above)	
2. \$90 Earned Income Deduction	
<i>A maximum of \$90 earned income deduction is allowed for each individual in the certified group with countable earned income. The deduction amount cannot exceed the individual's monthly earned income. For example, if an individual has \$45 of earned income, the deduction amount would only be \$45.</i>	
3. Dependent Care Cost Deduction	
The name of the individual for whom dependent care payments were made:	
The name of the individual to whom dependent care payments were made:	

*These dependent care costs were necessary to allow the parent/managing conservator to work.*

<i>A deduction is allowed for the actual cost of dependent care a parent or managing conservator (with earned income who is included in the certified group) pays on behalf of a dependent child or incapacitated adult who is also included in the certified group. The costs must be out-of-pocket (unreimbursed) payments made in the month the child was removed from the home and that are necessary to allow the parent or managing conservator to work. The name of the individual to whom these payments are made must be provided.</i>	
<i>The maximum deduction allowed is \$200 for each child under 2 years of age and \$175 for each child 2 years of age or older and for each incapacitated adult.</i>	
4. Total countable earned income (#1 minus #2 and #3)	
5. Total monthly unearned income	
6. Applied income from step-parent (if applicable)	
<b>7. Total countable income (total #4, #5 and #6)</b>	
<b>8. 100% AFDC income limit (refer to AFDC Needs Standard Income Limits chart)</b>	

Was the child and family's total countable income (#7) equal to or less than the 100% AFDC income limit?  Yes  No

**IF NO**, the child is not eligible for Title IV-E; do not submit a foster care assistance application. The eligibility determination process is complete

Did the child and family meet both the 185% and the 100% AFDC Needs Standard Tests?  Yes  No

**The child and family total countable income during the month of removal must meet both the 185% and the 100% AFDC Need Standard Tests to be satisfy the income requirement for Title IV-E eligibility.**

## APPLIED INCOME OF STEP-PARENT

*Complete this page only if a step-parent (with income) lives in the home.*

1. Step-parent's monthly gross earned income	
2. Work related expenses – standard deduction of \$90	
<b>3. Step-parent's countable earned monthly income (#1 minus #2)</b>	
4. Step-parent's other monthly income (i.e. unearned income)	
<b>5. Step-parent's total countable income (#3 plus #4)</b>	
6. Monthly payments to dependents outside the home	
7. Monthly alimony and/or child support payments to individuals outside the home	
8. Deduction allowance for step-parent and non-certified dependents residing in the home	
<i>Taken from the step-parent allowance deduction chart (form #TDFPS-01-05)</i>	
<b>9. Applied income of step-parent (line 5 minus 6,7 and 8)</b>	

*If #9 is a positive amount, enter the amount under Step 1, #6 on the AFDC Income Determination Worksheet.*

*If #9 is 0 or a negative amount, enter 0 under Step 1, #6 on the AFDC Income Determination Worksheet*

## STEPPARENT ALLOWANCE DEDUCTION CHART

Family Size	Allowance Deduction Amount
1	313
2	650
3	751
4	903
5	1003
6	1153
7	1252
8	1425
9	1528
10	1701
11	1804
12	1977
13	2080
14	2253
15	2356
Each Additional Member add:	173



## AFDC NEEDS STANDARD INCOME LIMITS

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This chart includes the allowable monthly income limit amounts for a certified group to meet the 185% and 100% of Aid to Families with Dependent Children (AFDC) Needs Standard Income tests. The certified group size is the number of people in the AFDC certified group. The appropriate column to use equals the number of parents in the certified group for the applicable 185% or 100% needs tests. If the certified group's total countable income exceeds the allowable limit, then the group does not meet the applicable 185% or 100% of AFDC Needs Standard Income test.

Certified Group Size	No Parent Certified Group		One Parent Certified Group		Two Parent Certified Group	
	185%	100%	185%	100%	185%	100%
1	474	256	579	313	-----	-----
2	683	369	1203	650	921	498
3	958	518	1389	751	1524	824
4	1141	617	1671	903	1711	925
5	1467	793	1856	1003	1985	1073
6	1584	856	2133	1153	2176	1176
7	1976	1068	2316	1252	2440	1319
8	2170	1173	2636	1425	2631	1422
9	2490	1346	2827	1528	2951	1595
10	2683	1450	3147	1701	3141	1698
11	3003	1623	3337	1804	3461	1871
12	3193	1726	3657	1977	3654	1975
13	3513	1899	3848	2080	3972	2147
14	3706	2003	4168	2253	4164	2251
15	4022	2174	4359	2356	4483	2423
Per each additional member	320	173	320	173	320	173