

At a term of the Family Court of the
State of New York, held in and for
the County of _____,
at _____ New York
on _____.

P R E S E N T:
Hon.
Judge

.....
In the Matter of

Docket No.

CIN #
A Child(ren) under the Age of
Eighteen Years Alleged to be
 Abused Neglected by

ORDER ON APPLICATION
FOR TEMPORARY
REMOVAL OF CHILD
(After Petition Filed)

Respondent(s)

NOTICE: IF YOUR CHILD IS PLACED IN FOSTER CARE, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.

IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.

IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.

**THE NEXT COURT DATE IS [specify date/time]:
THE PERMANENCY HEARING SHALL BE HELD ON [SPECIFY DATE/TIME]:¹**

¹ Specify a date certain not more than eight months from the date of removal. If the child has a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling's or half-sibling's permanency hearing, unless the sibling or half-sibling was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption. If the child is finally discharged from care on the scheduled date, the permanency hearing shall be cancelled.

A Petition under Article 10 of the Family Court Act having been filed with this Court alleging that the above-named child(ren) (is)(are)[check applicable box(es)]:

- abused neglected severely abused repeatedly abused ;

And the child (ren) [check applicable box(es)]:

- having been removed prior to this hearing pursuant to Family Court Act [specify]: §1021 §1022 §1024
 having not been removed prior to this hearing;

And a preliminary hearing having been held by this Court pursuant to Section 1027 of the Family Court Act; and the following person(s) having appeared to determine whether the child's interests require protection pending a final order of disposition [specify; check applicable boxes]:

- Respondent [specify]: with counsel without counsel
[If Respondent not present]: Respondent was was not notified of this hearing.
[If Respondent unrepresented]: Respondent waived did not waive the right to counsel.

- Respondent [specify]: with counsel without counsel
[If Respondent not present]: Respondent was was not notified of this hearing.
[If Respondent unrepresented]: Respondent waived did not waive the right to counsel.

- Law Guardian
 Petitioner
 Other [specify]:

[Required in cases involving Native-American children; check if applicable]:

- And the following having been duly notified [check applicable box(es)]:
 parent/custodian tribe/nation United States Secretary of the Interior;
And the tribe/nation having: appeared and participated as a party;
 appeared and declined to assume jurisdiction;
 appeared and requested transfer of jurisdiction;
 not appeared;

The Court finds and determines that [Note: judicial findings must be made under I, II and III if temporary removal is GRANTED]:

I. Criteria for Temporary Removal of Child(ren) [All three criteria (A, B and C) must be met]:

A. [check applicable boxes]:

- The parent(s) person(s) legally responsible for the child(ren)
 is absent and cannot be located after reasonable effort to do so; or
 was asked and refused to consent to temporary removal of the child(ren) and
 was was not informed of an intent to apply for an order of removal; or
 consented to the temporary removal of the child(ren)

OR

The child(ren) was/were removed on an emergency basis, pursuant to Family Court Act §1024;

AND

B. The child(ren) appear(s) to so suffer from abuse or neglect by the
 parent(s) person(s) legally responsible for the child(ren)'s care ; and

AND

C. Immediate removal or, if already removed, continued removal, of the child(ren) is necessary to avoid imminent danger to the child(ren)'s life or health because [specify facts and reasons, citing specific documents or evidence supporting findings]:

II. Required “Best Interests” and “Reasonable Efforts” Findings [check applicable boxes and provide case-specific reasons in both A and B, below]:

A. Continuation in, or return to, the child(ren)'s home would would not be contrary to the best interests of the child(ren) because [specify facts and reasons]:

This determination is based upon the following information [check applicable box(es)]:

- Petition
- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home, and, if the child(ren) were removed prior to the date of this hearing, to return them home safely [check applicable box and state reasons as indicated]:

- were made as follows [specify]:
- were not made but the lack of efforts was appropriate [check all applicable boxes]:
 - because of a prior judicial finding that the Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:
 - because of other reasons [specify]:
- were not made.

This determination is based upon the following information [check applicable box(es)]:

- Petition

- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

III. Findings Regarding Alternatives to Removal to Foster Care:

A. Based upon the investigation conducted by the Commissioner of Social Services, [Check applicable box(es):

The following person [specify]:
is a non-respondent parent relative suitable person
with whom the child(ren) may appropriately reside [specify]:

[Applicable to relatives and other suitable persons]: Such person:
 seeks approval as a foster parent in order to provide care for the child(ren);
 wishes to provide care and custody for the child(ren) without foster care
subsidy during the pendency of any order herein.
 may be a resource but not yet determined whether as foster parent or custodian.

There is no non-respondent parent, relative or suitable person with whom the child(ren) may appropriately reside.

B. [Required]: Imminent risk to the child(ren) would would not be eliminated by the issuance of a temporary order of protection or order of protection directing the removal of [specify]:
from the child(ren)'s residence.

NOW, therefore, it is [check applicable box(es)]:

ORDERED that the application for removal or continued removal of the child(ren) is hereby GRANTED OR DENIED; (and it is further)

ORDERED that the child(ren)(is)(are) released to the custody of [specify]: , the child(ren)'s Respondent parent(s)[specify]:
 Non-respondent parent(s)
 Other person legally responsible for the child(ren)'s care[specify]:
such release to be under the supervision of [specify; delete if inapplicable]: ;
(and it is further)

ORDERED that the child(ren) shall be temporarily removed from the place where the child(ren) (is) (are) residing by any peace officer or agent of a duly authorized agency, society or institution and shall be brought to [specify]:
pending further proceedings herein; (and it is further)

ORDERED that, pending further proceedings, the child(ren) shall be placed in the custody of [check applicable box]:

- the Commissioner of Social Services of _____ County;
- the Commissioner of Social Services of _____ County to reside with [specify]:
- the following relative(s) or other suitable person(s) [specify]: _____ ; (and it is further)

ORDERED that: Hospital [specify]: _____ Physician [specify]: _____ is hereby authorized to provide such emergency medical or surgical procedures for the child(ren) as may be necessary to safeguard the child(ren)'s life or health; (and it is further)

[Required in child abuse cases unless petition commenced on the basis of medical examination and discretionary in child neglect cases, pursuant to FCA §1027(g)]:

ORDERED that the child undergo a medical examination, pursuant to Family Court Act §251 by the following physician [specify]: _____, which shall include the taking of colored photographs and, if appropriate, a radiological examination, the results of which, along with the photographs, shall be submitted to the Court;

ORDERED that colored photographs be taken of areas of visible trauma to the child, if any; (and it is further)

ORDERED that the child protective agency shall provide arrange for the following services or assistance to the (child) (child's family) pursuant to section 1015-a or 1022(c) of the Family Court Act [specify]: _____ (and it is further)

ORDERED that the Commissioner of Social Services shall conduct a diligent search for any non-respondent parents of the child(ren), inform them of the pendency of the proceeding and of the opportunity for seeking custody of the child(ren) and record the results of such investigation in the child's Uniform Case Record; _____ (and it is further)

ORDERED that the Commissioner of Social Services shall investigate whether there are any grandparents, other relatives or other suitable person(s) with whom the child(ren) may appropriately reside, including, but not limited to [specify]: _____ ; shall inform them of the pendency of the proceeding, shall ascertain whether such person(s) wish to seek approval as foster parent(s) in order to provide care for the child(ren) or wish to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein; and shall record the results of such investigation in the child's Uniform Case Record; _____ (and it is further)

ORDERED that, within 24 hours of this order, the Commissioner of Social Services shall commence an investigation of the following relatives or other suitable persons as foster parents and thereafter approve such person(s) to be foster parents, if qualified, and, if not, to report such fact to the Court, all parties and counsels, including the law guardian, forthwith [specify]: _____

ORDERED that if the child absconds from the above-named custodial person or facility, written notice shall be given within 48 hours to the Clerk of Court by the custodial person or by an authorized representative of the facility, stating the name of the child, the docket number of this procedure, and the date on which the child ran away; (and it is further)

ORDERED that [specify Respondent(s) or other person(s) before the court]: (is)(are) required to comply with the terms and conditions specified in the order of protection, issued pursuant to Family Court Act §1029, annexed to this order and made a part thereof; (and it is further)

[Applicable Where Child is Native-American]:

ORDERED that the following should be notified of this proceeding [specify]:
the custodian of the child; tribe/nation; United States Secretary of the Interior

ORDERED that in light of the assumption of jurisdiction by the tribe/nation, this petition is DISMISSED WITHOUT PREJUDICE.

(and it is further)

ORDERED that if the child remains in foster care or is directly placed pursuant to Sections 1017 or 1055 of the Family Court Act, a permanency hearing shall be held on [specify]:²

(and it is further)

ORDERED

ENTER

Judge of the Family Court

Dated:

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.³

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: _____

Order received in court on [specify date(s) and to whom given]: _____

² Specify a date certain not more than eight months from the date of removal. If the child has a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling's or half-sibling's permanency hearing, unless the sibling or half-sibling was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption. If the child is finally discharged from care on the scheduled date, the permanency hearing shall be cancelled.

³ NOTE: If the parent or other person legally responsible for a child was not present and given the opportunity to be represented by counsel at a hearing conducted pursuant to Family Court Act §1027, the parent or other person legally responsible may only challenge an order of removal of the child or children by requesting a hearing before the Family Court, not by appealing to the Appellate Division. The hearing before the Family Court must be held within three court days of the request, unless good cause is shown. See Family Court Act §1028.