

F.C.A. § 1055-a [This form must be used for
2nd and subsequent 1055-a hearings]¹

Form 10-21
(Petition by Foster Parent for Review of
the Status of Child Freed for Adoption
and Permanency Hearing)
10/2004

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of the Review of
the Status of

Docket No.

Pursuant to Section 1055-a of
the Family Court Act

PETITION
(Review of the Status of
Child Freed for Adoption
and Permanency Hearing
-- Foster Parent)

**DEADLINES: THIS PETITION MUST BE FILED BY [Specify date]:² AND THE
PERMANENCY HEARING MUST BE COMPLETED WITHIN 60 DAYS OF FILING**

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. a. Petitioner, _____, resides at [specify]:
_____, New York, and is the foster parent of the above-name child.

b. The child [check applicable box]:

resides with Petitioner at the present time and has done so since (specify):

resided with Petitioner from [specify dates]: _____, but currently
resides at [specify]:

2. a. The child, born on [specify]: _____, was placed in foster care as
a result of a [check applicable box(es)]:

voluntary foster care placement; child abuse or neglect proceeding; voluntary surrender.

b. The child was freed for adoption as a result of [check applicable box(es)];:

¹ The Affidavit/Report (Form 10-21a) may be utilized at the first permanency hearing pursuant to Family Court Act. §1055-a, instead of this petition.

² The petition must be filed within six months following the end of the last permanency hearing following the freeing of the child for adoption, unless the court directs an earlier filing. The first permanency hearing following the freeing of the child for adoption must be held within 60 days of the oral order freeing the child and may, in the Court's discretion, be brought on using an affidavit/report (Form 10-21-a), instead of this petition.

- with respect to the child’s birth mother:
 - an order terminating the parental rights
 - a voluntary surrender of the child
 - death;

- with respect to the child’s birth father:
 - an order terminating the parental rights of the child’s birth father
 - a voluntary surrender of the child
 - death
 - consent
 - an order terminating parental rights of a parent of the child after a putative father entitled to notice pursuant to Social Services Law §384-c was given notice and an opportunity to participate.
 - there is no identified father who would be entitled to consent to, an adoption pursuant to Dom. Rel. Law §111 or 111-a.

c. The last permanency hearing was completed regarding this child on [specify date]:

3. The child was placed in foster care and has resided with the
 person(s) institution(s) named at the address(es) set forth below:

<u>Name of Foster Parent or Institution</u>	<u>Address</u>	<u>Period of Foster Care</u>
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4. There are no persons interested in this proceeding other than those listed above, except [specify, if any]:

5. a. The permanency plan for the child is as follows [check applicable box(es) and indicate time frame(s)]:

- Adoption [specify date]: _____ by me other [specify]: _____
- permanent placement with the following fit and willing relative [specify name]: _____
by [specify date]: _____

permanent placement in the following alternative planned living arrangement [specify]: _____ upon documentation available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child’s best interests to be referred for adoption, placed with a fit and willing relative or placed with a legal guardian [specify compelling reasons]: _____

6.. [Applicable where permanency plan is adoption by Petitioner]:

Reasonable efforts to further the permanency plan of adoption [check applicable box(es)]:

- were made by me as follows [specify]:
 - I signed an adoption placement agreement
 - I retained an attorney
 - I submitted an adoption subsidy application, which has been [specify status]: granted denied; and if denied, I have have not requested a fair hearing; if so, specify status: _____
 - criminal history checks have been submitted completed
 - child abuse/ maltreatment checks have been submitted completed
 - Interstate Compact on Placement of Children submitted completed

- a home study has been completed
- I have completed a financial disclosure affidavit
- I have obtained an updated medical report.
- I have obtained certified copies of the following certificates
 - marriage divorce death of adoptive spouse
- I have obtained back-up resource documents [specify]:
- I have obtained certified copies of the following documents regarding the birth parent(s): order terminating parental rights
 - surrender consent death certificate
- I have made the following efforts regarding the child's putative father:
 - putative father registry request submitted other [specify]:
- I have obtained the following documents regarding the child:
 - two copies of certified birth certificate
 - up-to-date medical report
 - consent, if child 14 or over
- Upon information and belief, my attorney has filed:
 - an affidavit of readiness
 - a financial disclosure affidavit certification of service upon OCA
- The adoption petition is: docketed scheduled for hearing on [specify]:

upon information and belief, reasonable efforts were made by the agency as follows [specify]:

were not made but the lack of efforts was reasonable because [specify]:

were not made.

The above statements are based upon the following information [check applicable box(es)]:

- Permanency petition, dated [specify]:
- Permanency hearing affidavit/report, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

7. [Applicable where permanency plan is adoption by someone other than Petitioner]:

- The child has been placed in the following prospective adoptive home [specify]:
- The child has not been placed in a prospective adoptive home.
- Upon information and belief, if the child has not been placed in a prospective adoptive home, the following recruitment efforts have been undertaken to locate a prospective adoptive home [specify]:

- Upon information and belief, if the child has been placed in a prospective adoptive home, a petition for adoption: was docketed on [specify court, county and date]:
 - is scheduled to be heard on [specify date]:

Upon information and belief, reasonable efforts to further the permanency plan of adoption

were made by the agency as follows [specify]:

were not made but the lack of efforts was reasonable because [specify]:

were not made.

The above statements are based upon the following information [check applicable box(es)]:

- Permanency petition, dated [specify]:
- Permanency hearing affidavit/report, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

8. [Applicable where permanency plan is OTHER THAN adoption]:

Reasonable efforts to further the permanency plan of [specify]:

were made by me as follows [specify]:

upon information and belief, reasonable efforts were made by the agency as follows [specify]:

were not made but the lack of efforts was reasonable because [specify]:

were not made.

The above statements are based upon the following information [check applicable box(es)]:

- Permanency petition, dated [specify]:
- Permanency hearing affidavit/report, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

9. The following impediments exist, if any, to the fulfillment of the child's permanency plan [specify, indicating documentary sources of information, if any; if an appeal is pending regarding termination of the parental rights or surrender of the child, indicate court and status, if known]:

10. This plan is in the child's best interests and should be approved without modification because [specify reasons, indicating documentary sources of information, if any]:

11. In the case of a child over the age of 14, the child has [check applicable box]:

consented to adoption by [specify]:

refused to consent to adoption for the following reasons [specify]:

12. The current service plan for the child and, if applicable, the prospective adoptive parent(s), which is annexed to this petition, should be approved without modification for the following reasons [specify, indicating documentary sources of information, if any; if any information in service plan is not up-to-date, so indicate]:

13. [Required in cases where the child has attained the age of 16]: The services needed, if any, to assist the child to make the transition from foster care to independent living are [specify]:

a.. These services are being provided as follows [specify]:

b. These services are not being provided for the following reasons [specify, indicating documentary sources of information, if any; if no services are needed, so indicate]:

14. [Required where the child has been placed out-of-state] The placement of child at [specify]: [check applicable box]: continues to be is not appropriate and in the child's best interests because [specify, indicating documentary sources of information, if any]:

15. The child has the following conditions and special needs [specify]:

<u>Area</u>	<u>Conditions/Special Needs</u>	<u>Services Needed</u>	<u>Services Provided</u>	<u>Last Eval.</u>
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Medical

Developmental

Educational

Mental Health

Other [specify]:

16. The child is is not a Native-American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 19901-1963).

17. No previous application has been made to any court or judge for relief herein requested (except [specify]: _____).

WHEREFORE, Petitioner(s) request(s) that this Court review the status of the child and hold a permanency hearing pursuant to Section 1055-a of the Family Court Act and enter an order of disposition as follows:

A. Approving the implementation of the above permanency plan for the child by the [check applicable box]: Petitioner authorized agency;

B. Directing that, if the child remains in foster care, the Petitioner authorized agency must file a petition for a permanency hearing not later than six months following completion of this permanency hearing; and

C. granting such other and further relief as the Court deems appropriate, including, but not limited to, the following [indicate specific relief sought]:

Dated:

:

Signature of Petitioner Foster Parent

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK)

)ss.:

COUNTY OF)

being duly sworn, deposes and says:

That (s)he is and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his/her) own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of

(Deputy)(Clerk of the Court)
(Notary Public)

