

F.C.A. §§ 351.1, 352.1, 352.2,
353.1, 353.3, 353.5, 353.6

Form 3-31
(Juvenile Delinquency--
Order of Disposition:
Designated Felony;
No Restrictive
Placement)
8/2010

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.

A Person Alleged to be a
Juvenile Delinquent,

ORDER OF
DISPOSITION
(Designated Felony;
No Restrictive
Placement)

Respondent.

.....
An Order of Fact-finding dated the _____ day of _____, _____, having been entered
in this Court the Family Court of [specify]: _____ County, adjudging that the
Respondent did the following act(s) that would, if committed by an adult, constitute the following
crime(s) [specify as to each count]:

And these acts include the following:

designated felony act(s) pursuant to section 301.2 of the Family Court Act [specify,
including section(s) of the Penal Law or other law violated]:

non-designated felony act(s) [specify, including section(s) of the Penal Law or other law
violated]:

And notice having been duly given to Respondent, the Presentment Agency and [check
applicable box]: Respondent's parent(s) the person(s) legally responsible for the Respondent's
care pursuant to section 341.2 of the Family Court Act;

And the Respondent having [check applicable box(es)]: appeared not appeared,
and counsel for Respondent having appeared not appeared before this Court to answer the
petition;

And the matter having thereafter duly come on for a dispositional hearing pursuant to section 350.2 of the Family Court Act before the Court;

The Court, after making an examination and inquiry into the facts and circumstances of the case and after making reports available to counsel in accordance with section 351.1 of the Family Court Act, finds upon a preponderance of the evidence that:

I. Dispositional Findings

A. Respondent requires supervision, treatment, or confinement; and

B. The Court, having fully considered the matter of restrictive placement in accordance with section 353.5 of the Family Court Act, finds that the Respondent does not require restrictive placement for the following reasons [specify]:

; and

C. The Court, having fully considered the matter of a particular disposition pursuant to section 352.2 of the Family Court Act, finds that the Respondent requires the following disposition [specify]:

for the following reasons [specify]:

II. Required Findings in Cases in Which the Respondent is Placed:¹

[The following determinations are required when order is placement; check applicable boxes and provide case-specific reasons]: And the Court has determined that:

A. Best Interests Finding: Continuation in, or return to, the Respondent's home
 would would not be contrary to Respondent's best interests based upon the following facts and for the following reasons [specify]:

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

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Uniform Case Review, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify], dated [specify]:
- Testimony of [specify]:
- Other [specify]:

¹ Note: These findings need not be made where the Respondent is placed restrictively pursuant to Family Court Act §353.5.

B. Reasonable Efforts Findings:

1. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child from the home [check applicable box (es); state reasons as indicated. If prior finding was made, so indicate, including date]:

- 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 pursuant to F.C.A. §352.2(2)(c) that the authorized agency was not required to make reasonable efforts to reunify the Respondent with the parent(s) guardian(s) [specify date of finding]:
 - because of other reasons [specify]:
- were not made.

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

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Uniform Case Review, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

2. Reasonable efforts, where appropriate, to return the Respondent home safely [check applicable box(es) 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 pursuant to F.C.A. §352.2(2)(c) that the authorized agency was not required to make reasonable efforts to reunify the child with the parent(s) guardian(s) [specify date of finding]:
 - because of other reasons [specify]:
- were not made.

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

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Uniform Case Review, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:

- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

3. Reasonable Efforts: Goal Other Than Return Home: [Applicable in cases in which the Respondent’s permanency plan is adoption, guardianship or permanent living arrangement other than reunification]:

Reasonable efforts to make and finalize the Respondent’s permanency plan of [specify]:

have been made as follows [specify]:

were not made based upon the following facts and for the following reasons [specify]:

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

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Uniform Case Review, dated [specify]:
- Summary of the Uniform Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

C. Transitional Services Finding [Required where Respondent is 16 or older]:

The services, if any, needed to assist the Respondent to make the transition from foster care to independent living are [specify]:

NOW, therefore, upon the findings made in the fact-finding and dispositional hearings and upon all proceedings had herein, it is hereby

ORDERED and ADJUDGED that the above-named Respondent is a juvenile delinquent on the ground that the Respondent, while under 16 years of age, did an act which if done by an adult would constitute the crime(s) of [specify each count]:

as defined by section(s) _____ of the Penal Law Other law [specify]:
and on the further ground that Respondent requires supervision, treatment, or confinement; and it is therefore

ORDERED that [check applicable box(es)]:

Respondent is conditionally discharged for a period of [specify]: _____ months upon the following terms and conditions:

Respondent is placed on probation under the supervision of the Probation Department of the County of _____ for a period of _____ upon the following terms and conditions:

This proceeding is continued and the Respondent is placed for a period of [specify]: _____ (less the period spent in detention pending disposition)² in the custody of [specify suitable relative or other person]: _____, subject to the further orders of this Court.)

This proceeding is continued and the Respondent is placed for a period of [specify]: _____ (less the period spent in detention pending disposition)³ in the custody of the Commissioner of Social Services of the County of _____, subject to the further orders of this Court.

The position of the Commissioner of Social Services of [specify]: _____ County having been considered by the Court, this proceeding is continued and the Respondent is placed for a period of [specify]: _____ (less the period spent in detention pending disposition)⁴ in the custody of the Commissioner of Social Services of the County of _____ for placement with [specify]: _____, subject to the further orders of this Court. In the event that the Commissioner of Social Services is unable to so place the child, the Commissioner shall need not apply to the Court for an order to stay, modify, set aside, or vacate such directive pursuant to section 355.1 of the Family Court Act; and the Commissioner shall need not return the Respondent to this Court for a new dispositional hearing and orders.

This proceeding is continued and the Respondent is placed for a period of [specify]: _____ (less the period spent in detention pending disposition),⁵ in the custody of the New York State Office of Children and Family Services, which is authorized to place the Respondent in a [specify]: _____

²Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5).

³ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5).

⁴ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5).

⁵ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5).

- secure facility at any time or from time to time during the first 60 days of residency;⁶
- limited secure facility non-secure facility, subject to further orders of this Court.

The position of the New York State Office of Children and Family Services having been considered by the Court, this proceeding is continued and the Respondent is placed for a period of [specify]: (less the period spent in detention pending disposition),⁷ in the custody of the New York State Office of Children and Family Services for placement with [specify]:
 , subject to further orders of this Court. In the event that the New York State Office of Children and Family Services is unable to place the Respondent in accordance with the direction hereof, or discontinues the placement with the authorized agency, the Respondent shall be deemed to have been placed with the New York State Office of Children and Family Services pursuant to paragraph (b) or (c) of subdivision three of section 353.3 of the Family Court Act. In such cases, the New York State Office of Children and Family Services shall notify the court, Presentment Agency, attorney for the Respondent and parent or other person responsible for the Respondent's care, of the reason for discontinuing the placement with the authorized agency and the level and location of the youth's placement.

[Optional where Respondent is placed with the New York State Office of Children and Family Services; check box if applicable]:

- The New York State Office of Children and Family Services shall photograph the Respondent pursuant to Executive Law § 507-a(3).

[Optional where Respondent is 16 years of age and is placed with the New York State Office of Children and Family Services or Commissioner of Social Services; check box if applicable]:

- The placement agency is directed to provide the following services determined above to be needed to assist the child to make the transition from foster care to independent living [specify]:

[Optional where Respondent is placed upon adjudication for a felony with the New York State Office of Children and Family Services pursuant to F.C.A. §353.3(9); check box if applicable]:

- Respondent shall be confined in a residential facility for a period of [specify period not to exceed six months]:

(And it is further)

[Required where Respondent is placed with the Commissioner of Social Services or the New York State Office of Children and Family Services, pursuant to F.C.A. §353.3 or §353.4, and is in or may be transferred to a foster home or non-secure facility with 25 beds or fewer]:

ORDERED that if the child remains in foster care, the **New York State Office of Children and Family Services** **Commissioner of Social Services of [specify]:** **County**

⁶ See F.C.A. §353.3(3)(a).

⁷ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5).

**shall file a petition for the next permanency hearing NOT LESS THAN 60 DAYS BEFORE [specify date]:
and the permanency hearing shall be completed by [specify date]:⁸**

And it is further ORDERED that:

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 ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

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]: _____

⁸A petition for a permanency hearing shall be filed 60 days prior to the expiration of the placement or 60 days prior to end of 12 months following the entry of the child into foster care, whichever is earlier. The Respondent shall be deemed to have entered foster care 60 days following removal from the home. *See* F.C.A. §355.5(4). Except in cases where the permanency hearing is required prior to an extension of placement –*e.g.*, 18-month felony placements or cases in which a determination is made that reasonable efforts are not required pursuant to F.C.A. §352.2(2)(c) – the permanency hearing petition shall be combined with the petition for extension of placement. *See* F.C.A. §355.5(2).