

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

PRESENT

Hon.

Judge

In the Matter of

Docket No.

A Person Alleged to be a
Juvenile Delinquent,

Respondent.

EXTENSION OF
PLACEMENT AND
PERMANENCY HEARING
ORDER¹

**DEADLINE: IF THE RESPONDENT REMAINS IN FOSTER CARE, A PETITION FOR THE
NEXT PERMANENCY HEARING MUST BE FILED NOT LATER THAN
[SPECIFY]:² _____.**

¹ NOTE: Delete "Permanency Hearing" if this is solely an extension of placement order. Utilize General Form GF-35, instead of this form, if this is solely a permanency hearing order. Family Court Act §355.5(2) requires the permanency and extension of placement hearings to be combined. However, a permanency hearing may be required in advance of (and thus separately from) an extension of placement if a finding is made that reasonable efforts are not required (requiring a permanency hearing within 30 days) or if the Respondent was placed on a felony pursuant to F.C.A. §353.3 for 18 months (requiring a permanency hearing annually). Further, if the Respondent is placed in a facility not requiring a permanency hearing, an extension of placement hearing without a permanency hearing may be held. Although all juveniles placed pursuant to Family Court Act §§353.3 and 353.5 are subject to extensions of placement, F.C.A. §355.5 requires a permanency hearing only with respect to juveniles who, during the period of placement, are or may be placed in non-secure facilities with capacities of 25 beds or fewer or are placed for re-placement with authorized agencies for foster or residential care.

² The petition must be filed at least 60 days prior to the date by which the hearing must be completed. See *Uniform Rules of the Family Court*, 22 N.Y.C.R.R. §205.17(b).

The above-named Respondent having been adjudicated by this Court to be a juvenile delinquent within the meaning of Article 3 of the Family Court Act, and an Order of Disposition, dated [specify]:

, having been issued placing Respondent with [check applicable box]:

- a suitable person the New York State Office of Children and Family Services
- the Commissioner of Social Services of [specify]: _____ County,

And the petition of [specify]: _____, for an extension of placement and permanency hearing, sworn to on [specify date]: _____, having been filed in this Court [check applicable box]:

- at least 60 days prior to the expiration of the period of placement;
- less than 60 days prior to the expiration of the period of placement, and good cause having [check applicable box] been not been found for the delay;
- in the case of a placement of 12 months or more, at least 60 days prior to the date the permanency hearing must be held;
- in the case of a placement of 12 months or more, less than 60 days prior to the date the permanency hearing must be held, and good cause having [check applicable box] been not been found for the delay;

And notice having been duly given to the following person(s), who appeared as follows: [specify; check applicable boxes]:

- Respondent with counsel without counsel
- Parent(s)[specify]: _____
- Other person(s) legally responsible for Respondent’s care [specify]: _____
- Prospective adoptive parent(s)[specify]: _____
- Foster parent(s) caring for Respondent [specify]: _____
- Relative(s) caring for Respondent [specify]: _____
- Authorized Agency caring for Respondent [specify]: _____
- Other [specify]: _____

And the matter having duly come on to be heard, and the above-named persons appearing having been given an opportunity to be heard,

And the position and information provided by the [check applicable box(es)]:

- NYS Office of Children and Family Services local department of social services
- having been considered by the Court;

The Court, after having made an examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions, and capacities of the persons involved, finds and determines the following [Note: judicial findings must be made pursuant to both I and II, below]:

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

A. "Best Interests" Finding: Return of the Respondent to the home would would not be contrary to the best interests of the Respondent because [specify facts and reasons]:

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

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

B. "Reasonable Efforts" Findings:

1. Reasonable efforts, where appropriate, to return the Respondent 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 pursuant to Family Court Act §352.2(2)(c) that the authorized agency was not required to make reasonable efforts to reunify the Respondent with the parent(s) person(s) legally responsible for Respondent's care [specify date of finding]:
 - because of other reasons [specify]:
- were not made.

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

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

2. [Required 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 permanency plan of [specify]:

were made as follows [specify]:

were not made based upon the following facts and for the following reasons [specify; if lack of efforts was reasonable, so indicate]:

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

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

II. Required Findings Regarding Transitional Services and Out-of-State Placements:

[Required where Respondent is 16 years of age and older]: The services, if any, needed to assist the Respondent to make the transition from foster care to independent living are [specify]:

[Required in cases in which the Respondent is placed outside New York State]: Placement outside New York State is is not appropriate and in the Respondent’s best interests;

NOW, after examination and inquiry into the facts and circumstances and after hearing the proof and testimony, it is therefore

A. Temporary Order Extending Placement

ORDERED that, probable cause having been found for continuing the placement temporarily pending the hearing and that such temporary order is necessary, Respondent’s placement is extended until [specify date not to exceed 30 days]:³

³ The permanency hearing (required for Respondents placed in non-secure facilities, as defined by F.C.A. §355.5(1), residential care or foster homes) must be held and the “best interests” and

B. Extension of Placement: Disposition of Petition (Required)

ORDERED that the petition is GRANTED and the placement is extended to the following date [specify]: _____, subject to further orders of this Court.

ORDERED that the petition is DISMISSED and the Respondent is discharged from the custody of [specify]: _____ on [specify date no later than the date of expiration of the placement period]: _____

C. Permanency Plan (Required if permanency hearing held pursuant to F.C.A. §355.5)⁴

ORDERED that Petitioner’s permanency plan for the above-named Respondent [check applicable box]:

is approved is modified, as follows [check applicable box(es) and indicate time frame(s)]:

reunification with the parent(s) guardian(s) by [specify date]:

placement for adoption upon filing of a petition to terminate parental rights by [specify date]:

referral for legal guardianship by [specify name and date]:

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 Respondent’s best interests to return home, be referred for termination of parental rights and adoption, placed with a fit and willing relative, or placed with a legal guardian [specify compelling reason(s)]:

(and it is further)

“reasonable efforts” findings above must be made on a timely basis, even if the placement is extended only temporarily. One or more temporary extension of up to 30 days may be granted only upon satisfactory proof of probable cause and the necessity of each order. F.C.A. §355.3(5) provides that “[t]he court may order additional temporary extensions, not to exceed a total of 15 days, if the court is unable to conclude the hearing within the 30 day temporary extension period. In no event shall the aggregate number of days in extensions granted or ordered under this subdivision total more than 45 days. The petition shall be dismissed if a decision is not rendered within the period of placement or any temporary extension thereof.”

⁴ See Note 1.

D. Reasonable Efforts (Applicable if permanency hearing held pursuant to F.C.A. §355.5)⁵

[Optional in cases in which the Respondent’s goal is reunification with the parent or guardian; check box if applicable]:

ORDERED that following reasonable efforts shall be made to make and finalize the Respondent’s goal of reunification [specify]:

; (and it is further)

[Optional in cases in which the Respondent’s goal is adoption, guardianship or permanent living arrangement other than reunification; check box if applicable]:

ORDERED that following reasonable efforts shall be made to make and finalize the Respondent’s goal of [specify goal and describe efforts]:

; (and it is further)

E. Service Plan (Required if permanency hearing held pursuant to F.C.A. §355.5)⁶

ORDERED that the service plan submitted by the Petitioner [check applicable box]:
 is appropriate should be modified as follows [specify]:
;

and shall be given by Petitioner, along with a copy of this Order; to the [check applicable box]: parent(s) person(s) legally responsible for the Respondent’s care,
; (and it is further)

F. Transitional Services [check applicable box(es)]:

[Applicable, but not required, in cases where the Respondent has attained the age of 16]:

ORDERED that the Petitioner is directed to provide the following services determined above to be needed to assist the Respondent to make the transition from foster care to independent living [specify]:

; (and it is further)

[Required where release plan has been submitted pursuant to Family Court Act §353.3(7)]:

ORDERED that the plan for the Respondent’s release conditional release is

⁵ See Note 1.

⁶ See Note 1.

[check applicable box]: approved modified as follows [specify]: ⁷

; (and it is further)

ORDERED that Petitioner shall take the following steps to implement the plan for the Respondent's release conditional release [specify]:

[Required where placement is extended and release plan has not yet been submitted]:

ORDERED that 30 days prior to the conclusion of the placement or, if an extension of placement will be sought, 60 days prior to the date by which a permanency hearing must be concluded, Petitioner shall submit a report to the Court, attorney for the child or attorney of record and Presentment Agency containing a plan for the release or conditional release of the Respondent in accordance with section 353.3(7) of the Family Court Act; (and it is further)

G. Out-of-State Placement [Required where the Respondent has been placed out-of-state]:

ORDERED that the placement of the Respondent at [specify]:

is appropriate and in the Respondent's best interests and is continued until [specify]:

is not appropriate and in the Respondent's best interests and the Respondent shall, therefore, be returned to New York State to be :

placed with [specify]: until [specify]:

discharged to [specify]:

; (and it is further)

H. Progress Reports, Notices and Visitation Plans [Optional; check box(es) if applicable]:

ORDERED that Petitioner shall make a progress report to the Court, the parties and the attorney for the child on the implementation of this order not later than 90 days from the date of this order and every [specify period]: days thereafter

; (and it is further)

ORDERED that if the above permanency plan for the Respondent is changed, notice shall be provided to the Court, the parties and the attorney for the child forthwith; (and it is further)

ORDERED that the parent(s) person(s) legally responsible for Respondent's care be notified of the planning conference(s) to be held and of (his)(her)right to attend such conference(s) with counsel or other person;

(and it is further)

⁷ See Family Court Act §353.3(7).

ORDERED that Petitioner shall provide the parent(s) person(s) legally responsible for Respondent’s care with visitation with the Respondent as follows [describe visitation plan]:

; (and it is further)

ORDERED that Petitioner shall provide the following sibling(s) [specify]: with visitation with the Respondent as follows [describe visitation plan]:

; (and it is further)

I. Deadline for Filing Next Permanency Petition (Required if permanency hearing held pursuant to F.C.A. §355.5)⁸

ORDERED that if the Respondent remains in foster care, Petitioner shall file a petition for the next permanency hearing NO LATER THAN [specify date not less than 60 days before deadline for completion of hearing]:

and the permanency hearing shall be completed by [specify date]:

(and it is further)

(ORDERED, that

).

ENTERED

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]: _____

⁸ See Note 1.