

At a term of 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,

ORDER (Violation  
of Order of Probation  
or Conditional  
Discharge)

Respondent.

\_\_\_\_\_

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 \_\_\_\_\_, \_\_\_\_\_, having been made herein whereby Respondent was [check applicable box]:  
 placed on probation  conditionally discharged, upon certain terms and conditions;

And the Presentment Agency having appeared,  
And the Respondent having  appeared  not appeared,  
And Counsel for the Respondent having  appeared  not appeared,  
And the Respondent having had an opportunity to be heard;

The Court, after hearing, being satisfied by competent proof that the Respondent, [check applicable box]:  did  did not willfully and without just cause fail to comply with the terms and conditions in that: [specify provisions of order violated and nature of violations]:

[Required where Order of Disposition is revoked]:

And the Court, having determined that the Order of Disposition should be revoked and having fully considered the matter of a new disposition pursuant to Family Court Act §§ 352.2 and 360.3, determines that the Respondent requires the following disposition for the following reasons [specify]:

Required Findings in Cases in Which the Respondent is Placed [The following determinations are required when Respondent is placed pursuant to F.C.A. §353.3; check applicable boxes and provide case-specific reasons]: The Court finds and determines 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 is based upon the following information [check applicable box(es)]:

- 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 and consistent with the need for protection of the community, to prevent or eliminate the need for removal of Respondent from the home, and, if the Respondent was removed prior to the date of the dispositional hearing regarding the violation, to return Respondent safely to his or her home:

- 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)  guardian(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)]:

- 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. [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 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 was 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]:

C. 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 where 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, therefore, it is hereby**

ORDERED, that the Order of Disposition is  vacated  continued ; (and it is further)

ORDERED that [check applicable boxes]:

Respondent is discharged with a warning.

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 [specify]: for a period of [specify]: upon the

following terms and conditions:<sup>1</sup>

The probation service shall report to the court  orally  in writing on [specify date]:  
and every \_\_\_ days thereafter concerning Respondent's compliance with the terms and conditions of  
this order.

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

This proceeding is continued and Respondent is placed for a period of [specify period up  
to 12 months]: (less the period spent in detention pending disposition,<sup>3</sup> in the  
custody of the Commissioner of Social Services of the County of [specify]: .

The position of the Commissioner of Social Services of the County of [specify]:  
having been considered by the Court, this proceeding is continued and Respondent is placed for a  
period of [specify period up to 12 months]: (less the period spent in detention  
pending disposition,<sup>4</sup> in the custody of the Commissioner of Social Services of the County of  
[specify]: , 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 [check applicable box]:

shall  need not apply to the Court for an order to stay, modify, set aside or  
vacate the order pursuant to Family Court Act § 762.

shall  need not return Respondent to this Court for a new dispositional hearing.

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

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<sup>2</sup> 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).

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

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

<sup>5</sup> 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;<sup>6</sup>  
 limited secure facility  nonsecure 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),<sup>7</sup> 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, counsel 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 or fewer beds]:**

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<sup>6</sup> See F.C.A. §353.3(3)(a).

<sup>7</sup> 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).

**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 shall file a petition for the next permanency hearing **NO LATER THAN** [specify date not less than 60 days before permanency hearing must be completed]: and the permanency hearing shall be completed by [specify date].<sup>8</sup>

(and it is further)

(ORDERED

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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.

ENTER

\_\_\_\_\_  
Judge of the Family Court

Dated: , .

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]: \_\_\_\_\_

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<sup>8</sup>A 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).