

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.

ORDER (Transfer for
Incorrigibility)

A Person Alleged to be a Person
In Need of Supervision,

Respondent.

The above-named Respondent having been found by this Court to be a person in need of supervision as defined in Article 7 of the Family Court Act, and an Order, dated _____, _____, having been made placing Respondent in the custody of _____, an agency institution duly authorized for such placement; and

The agency institution having filed a petition herein, sworn to on _____, _____, alleging Respondent's incorrigibility and that presence of Respondent is seriously detrimental to the welfare of Petitioner or of other persons in its care that after placement by the Court, respondent was released on parole or probation from such institution, society or agency and a term or condition of the release was willfully violated and requesting an order transferring placement of Respondent; and

Notice of the petition having been duly given to the Respondent, Respondent's parent(s), the person legally responsible for his care the locality chargeable for the support of Respondent and the matter having duly come on to be heard before this Court;

NOW therefore, this Court finds that the allegations of the petition have have not been established; and it is hereby [Check applicable box(es)]:

ORDERED that the relief sought herein is denied and the petition is dismissed.

ORDERED that the petition be and same hereby is granted, and the Respondent is transferred from [specify]: _____ and placed with the custody of [specify]: _____, beginning _____, _____, subject to the further orders of this Court;

ORDERED that the petition is granted and the Order of Placement is terminated and as of [specify date]: Respondent is discharged placed on probation under the supervision of the Probation Department of the County of _____ upon the following terms and conditions of probation:

[Required in all cases where the Respondent is 16 years of age or older and is placed]:

IT IS FURTHER ADJUDGED that the following special circumstances warrant placement [specify]:

[Required in all cases where child is placed with Commissioner of Social Services]:

IT IS FURTHER ORDERED that, if the Respondent remains in foster care, the Commissioner of Social Services shall file a petition for a 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]:¹

; and it is further

ORDERED that [specify]:

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.

Dated: _____,

ENTER

Judge of the Family Court

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]: _____

APPENDIX A

¹ A petition for a permanency hearing shall be filed 60 days prior to the expiration of the placement .The permanency petition shall be combined with a petition for extension of placement pursuant to Family Court Act §756-a., unless the permanency hearing must be held sooner pursuant to Family Court Act §754(2).

PERMISSIBLE TERMS AND CONDITIONS OF PROBATION
[22 N.Y.C.R.R. §§205.66 (a),(b)]

An order placing a juvenile on probation, pursuant to Section 75 7 of the Family Court Act, shall be reasonably related to the adjudicated acts or omissions of the Respondent and shall contain at least one of the following terms and conditions applicable to suspended judgments and at least one of the following additional terms and conditions of probation, directing the Respondent to:

(a) Suspended Judgment and Probation Conditions

1. attend school regularly and obey all rules and regulations of the school;
2. obey all reasonable commands of the parent or other person legally responsible for the respondent's care;
3. avoid injurious or vicious activities;
4. abstain from associating with named individuals;
5. abstain from visiting designated places;
6. abstain from the use of alcoholic beverages, hallucinogenic drugs, habit forming drugs not lawfully prescribed for the respondent's use, or any other harmful or dangerous substance;
7. cooperate with a mental health or other appropriate community facility to which the respondent is referred;
8. make restitution or perform services for the public good;
9. restore property taken from the petitioner, complainant or victim, or replace property taken from the petitioner, complainant or victim, the cost of said replacement not to exceed \$1,500;
10. repair any damage to, or defacement of, the property of the petitioner, complainant or victim, the cost of said repair not to exceed \$1,500;
11. abstain from disruptive behavior in the home and in the community;
12. cooperate in accepting medical or psychiatric diagnosis and treatment, alcoholism or drug abuse treatment or counseling services, and permit an agency delivering that service to furnish the court with information concerning the diagnosis, treatment or counseling;
13. attend and complete an alcohol awareness program established pursuant to paragraph (6)(a) of subdivision (a) of section 19.07 of the mental hygiene law;
14. comply with such other reasonable terms and conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct which gave rise to the filing of a petition.

(b) Additional Conditions of Probation

1. meet with the assigned probation officer when directed to do so by that officer;
2. permit the assigned probation officer to visit the respondent at home or at school
3. permit the assigned probation officer to obtain information from any person or agency from whom the respondent is receiving or was directed to receive diagnosis, treatment or counseling;
4. permit the assigned probation officer to obtain information from the respondent's school;
5. cooperate with the assigned probation officer in seeking to obtain and in accepting employment and employment counseling services;
6. submit records and reports of earnings to the assigned probation officer when requested to do so by that officer;
7. obtain permission from the assigned probation officer for any absence from the county or residence in excess of two weeks-
8. attend and complete an alcohol awareness program established pursuant to paragraph (6)(a) of subdivision (a) of section 19.07 of the mental hygiene law;
9. do or refrain from doing any other specified act of omission or commission that, in the opinion of the court, is necessary and appropriate to implement or facilitate the order placing the respondent on probation.