

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 Person in
Need of Supervision,

_____, Respondent

EXTENSION OF
PLACEMENT AND
PERMANENCY
HEARING ORDER

**DEADLINE: IF THE RESPONDENT REMAINS IN FOSTER CARE, A PETITION FOR THE
NEXT PERMANENCY HEARING MUST BE FILED NOT LATER THAN [SPECIFY]:¹**

The above-named Respondent having been adjudicated by this Court to be a person in need of
supervision within the meaning of Article 7 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 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,

¹ 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).

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,

[Required if Respondent is Native-American; check if applicable]:

- And the following having been duly notified [check applicable box(es)]:
 - parent/custodian
 - tribe/nation
 - United States Secretary of the Interior;
 And the tribe/nation having:
 - appeared and participated as a party;
 - appeared and declined to assume jurisdiction;
 - appeared and requested transfer of jurisdiction;
 - not appeared;

And the position and information provided by the Commissioner of Social Services of [specify]:
County, 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 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 Respondent’s best interests because [specify facts and reasons]:

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

- Extension of Placement and Permanency Petition, dated [specify]:
- 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 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]:
- were not made.

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

- Extension of Placement and Permanency Petition, dated [specify]:
- 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 reasonable efforts, including specific documents or evidence supporting findings]:
- were not made.

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

- Extension of Placement and Permanency Petition, dated [specify]:
- 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: Special Circumstances, Transitional Services and Out-of-State Placements:

[Required where Respondent is 16 years of age or older and is placed]: The following special circumstances warrant placement of the Respondent [specify]:

[Required where Respondent is 16 years of age or older and is placed]: 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;

[Required if Respondent is Native-American; check if applicable]:

- And the following having been duly notified [check applicable box(es)]:
 - parent/custodian tribe/nation United States Secretary of the Interior;
 And the tribe/nation having: appeared and participated as a party;
 - appeared and declined to assume jurisdiction;
 - appeared and requested transfer of jurisdiction;
 - not appeared;

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 [check box if applicable]:

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]:²

B. Extension of Placement: Disposition of Petition [Required; check applicable box]:

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

² NOTE: The permanency hearing must be held and the “best interests” and “reasonable efforts” findings above must be made on a timely basis, even if the placement is extended only temporarily. Family Court Act §756-a(e) authorizes the court to “enter one or more temporary orders extending a period of placement not to exceed 30 days upon satisfactory proof showing probable cause for continuing such placement and that each temporary order is necessary. The court may order additional temporary extensions, not to exceed a total period of 15 days, if the court is unable to conclude the hearing within the 30 day temporary extension period. In no event shall the 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.”

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 placement extended; check applicable box(es)]:

ORDERED that Petitioner’s permanency plan for the Respondent [check applicable box]:
 is approved is modified, as follows [check applicable box(es) and indicate time frame(s)]:

- reunification with the parent(s) person(s) legally responsible for Respondent’s care 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)

D. Reasonable Efforts [Check applicable box]:

[Applicable in cases in which the Respondent’s goal is reunification with the parent or guardian]:

ORDERED that following reasonable efforts shall be made to make and finalize the Respondent’s goal of reunification [specify]: ; (and it is further)

[Applicable in cases in which the Respondent’s goal is adoption, guardianship or permanent living arrangement other than reunification; delete if inapplicable]:

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

; (and it is further)

E. Service Plan [Required]:

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 to the parent(s) person(s) legally responsible for Respondent’s care, along with a copy of this Order;

; (and it is further)

F. Transitional Services: [Applicable, but not required, in cases where the Respondent has attained the age of 16; check box if applicable]:

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)

G. Out-of-State Placement [Required where the child has been placed out-of-state; check box if applicable]:

- ORDERED that the placement of the child at [specify]:
- is appropriate and in the child’s best interests and is continued until [specify]:
- is not appropriate and in the child’s best interests and the child 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 law guardian 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 law guardian 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)

ORDERED that Petitioner shall provide the parent 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. Native-American Child [Check box if applicable]:

ORDERED that the following should be notified of this proceeding [specify]:
the custodian of the child; tribe/nation; United States Secretary of the Interior

ORDERED that in light of the assumption of jurisdiction by the tribe/nation, this
petition is DISMISSED WITHOUT PREJUDICE.

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

ORDERED that if the child absconds from the above-named custodial person or facility,
written notice shall be given within 48 hours to the Clerk of Court by the custodial person or by
an authorized representative of the facility, stating the name of the child, the docket number of
this procedure, and the date on which the child ran away; (and it is further)

K. Deadline for Filing Next Permanency Petition [Required if placement extended]:

**ORDERED that if the Respondent remains in foster care, Petitioner shall file a petition
for the next permanency hearing NO LATER THAN [specify date no later than 60 days
before deadline for completion of permanency hearing]:
and the permanency hearing shall be completed by [specify date]:**

; (and it is further)

(ORDERED, that

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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 LAW GUARDIAN 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]: _____

