

F.C.A. §§750, 752, 754-757,
758-a, 759

Form 7-8
(Person in Need of Supervision --
Order of Fact-finding and
Disposition)
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
In Need of Supervision

ORDER OF
FACT-FINDING
AND DISPOSITION

Respondent

The petition of [specify]: _____ under Article 7 of the Family
Court Act, sworn to on [specify date]: _____, _____, having been filed in this Court
alleging that the above-named Respondent is a person in need of supervision; and

[Check applicable box(es)]:

Notice having been duly given to Respondent and parent person legally
responsible for the Respondent's care, pursuant to section 741 of the Family Court Act; and

[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 Respondent having: appeared not appeared ; and
Counsel for the Respondent having: appeared not appeared
before this Court to answer the petition;

And Respondent having:

voluntarily, intelligently and knowingly admitted in open court that he or she

committed the following act(s) [specify]:

- denied the allegations of the petition and the matter having duly come on for a fact-finding hearing before this Court ;

The Court, after hearing the proof and testimony offered in relation to the case, finds beyond a reasonable doubt that the Respondent did the following [specify]:

; and

The matter having thereafter duly come on for a dispositional hearing before the Court, the Court, after having made the examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions and capacities of the persons involved and having made any reports available to counsel in accordance with section 750 of the Family Court Act, finds upon a preponderance of the evidence that :

I. Dispositional Findings

A. Respondent requires supervision or treatment; and

B. Having fully considered the matter of a particular disposition pursuant to section 754 of the Family Court Act, Respondent requires the following disposition for the following reasons [specify; if the Respondent has been found to be sexually exploited, as defined in Social Services Law §447-a, so indicate]:

II. Required “Best Interests” and “Reasonable Efforts” Findings [The following determinations are required when order is placement; check applicable boxes and provide case-specific reasons and sources in A, B, C and, if applicable, D, below]: The Court finds and determines that:

A. Continued placement in, or return to, the Respondent’s home [check applicable box]:
 would would not be contrary to the Respondent’s best interests, based upon the following facts and for the following specific reasons [specify]:

This determination is based upon the following specific documents and evidence:

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Case record, dated (specify):
- Testimony of [specify]:
- Other [specify]:

; AND

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the Respondent from the 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 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 specific documents and evidence:

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Case record, dated [specify]:
- Testimony of [specify]:
- Other [specify]:

C. 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 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]:
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

D. Reasonable Efforts: Goal Other Than Return Home: [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 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 is based upon the following specific documents and evidence:

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Case record, dated (specify):
- Testimony of [specify]:
- Other [specify]:

D. Transitional Services Finding [REQUIRED where Respondent is 16 or older]:

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

III. Special Circumstances Findings [REQUIRED where Respondent is 16 years or older and is placed]: The following special circumstances warrant placement [specify]:

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

ADJUDGED that the above-named Respondent is a person in need of supervision who [check all applicable box(es)]:

- does not attend school in accordance with Article 65 of the Education Law
- is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of the parent or other lawful authority
- violates the provisions of section 221.05 of the Penal Law; and

ADJUDGED that Respondent requires supervision or treatment;

IT IS, THEREFORE, ORDERED that [check applicable boxes]:

Respondent is discharged with a warning.

Judgment herein is suspended for a period of [specify]: _____ months upon the following terms and conditions [specify]:¹

Respondent is placed on probation under the supervision of the Probation Department

¹ See 22 NYCRR §205.66(a), attached as Appendix A.

of the County of [specify]: for a period of [specify]: upon the following terms and conditions:²

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 disposition³ in the custody of [specify] suitable relative or other person]: , subject to the further orders of this Court.

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,⁴ 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,⁵ in the custody of the Commissioner of Social Services of the County of [specify]: , for placement with [specify agency or class of agencies; if the Respondent has been found to be sexually exploited, as defined in Social Services Law §447-a, so indicate if Respondent should be placed in an available long-term safe house]:

, 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.

[Applicable Where Respondent is Native-American]:

ORDERED that the following should be notified of this proceeding [specify]:

² See 22 NYCRR§205.66(b), attached as Appendix B.

³ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent. See F.C.A §756(b).

⁴ Applicable unless all or part of such credit would not serve the best interests of the Respondent. See F.C.A. §756(b).

⁵ Applicable unless all or part of such credit would not serve the best interests of the Respondent. See F.C.A. §756(b).

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.

[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)

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]:⁶

AND IT IS FURTHER ORDERED that [specify; delete if inapplicable]:

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]: _____

**APPENDIX A
PERMISSIBLE TERMS AND CONDITIONS OF A SUSPENDED JUDGMENT
[22 N.Y.C.R.R. § 205.66(a)]**

(a) An order placing a juvenile on probation, suspending judgment entered pursuant to section 757 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 on of the following additional terms and condition of probation, directing the respondent to:

⁶ 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).

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 \$1,000;
10. repair any damage to, or defacement of, the property of the petitioner, complainant or victim, the cost of said repair not to exceed \$1,000;
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 section 19.25 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.

APPENDIX B
PERMISSIBLE TERMS AND CONDITIONS OF PROBATION
[22 NYCRR 205.66(b)]

(b) An order placing the respondent on in accordance with section 757 of the Family Court Act shall contain at least one of the following terms and conditions, in addition to any of the terms and conditions set forth in subdivision (a) of this section,⁷ directing the respondent:

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 section 19.25 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.

⁷ See Appendix A.