

PRESENT:

Hon.
Judge

.....

In the Matter of

Docket No.
PERMANENCY HEARING
ORDER

CIN #

A Child or Children Under 21 Years of Age

Alleged to be Abused Neglected Voluntarily Placed by

Respondent(s)

.....

NOTICE: IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD. IF THE PETITION IS GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.

THE NEXT COURT DATE IS [date/time]: _____
THE NEXT PERMANENCY HEARING SHALL BE HELD ON [date/time]: _____

An order having been issued directing that the child(ren) be placed or removed from the parent or person legally responsible for the child(ren) ; and

This hearing having been heard jointly with the custody guardianship petition,
Docket #: _____ ;

And the position and information provided by the local department of social services, as well as that of the child and others appearing before the Court, having been considered by the Court;

Reasonable Efforts Determination

The Court makes the following findings regarding **reasonable efforts to implement the permanency hearing goal in place at the commencement of this hearing:**

Reasonable efforts to make and finalize the permanency planning goal of **[return to parent, adoption, guardianship, permanent placement with a fit and willing relative, or placement in another planned permanent living arrangement]**[specify]: _____

were made as follows [specify reasonable efforts, including consideration of out-of-State resources:] _____

were not made [specify]: _____

The permanency goal is reunification and reasonable efforts were not made, but the lack of efforts was appropriate because of a prior judicial finding that the authorized agency was not required to make reasonable efforts to reunify the child(ren) with the parent(s).

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

- Permanency report, sworn to on [specify date]: _____
- Case record, dated [specify]: _____
- Service plan, dated [specify]: _____
- Probation Department report, dated [specify]: _____
- Mental health evaluation, dated [specify]: _____
- The report of [specify]: _____, dated: _____
- Testimony of [specify]: _____, (on _____)
- Other [specify]: _____

Findings and Orders

THE COURT ORDERS that:

PLACEMENT OR TEMPORARY REMOVAL IS TERMINATED:

- And the child(ren) (is) (are) discharged to the custody of the respondent(s)

- Immediately or on [specify date]: _____
- without supervision with supervision of a child protective agency, social services official, or duly authorized agency until: _____
- upon the following terms and conditions: _____

THE CHILD(REN) IS/ARE PLACED OR CONTINUE(S) TO BE PLACED in the custody of the Commissioner of Social Services until the completion of the next permanency hearing or pending further orders of this court. The Court finds that continued placement or temporary removal of the child is required due to best interests and safety needs of the child and that the child would be at risk of further abuse or neglect if returned to the parent/respondent.

- [Applicable if placement is for residence with a relative or other suitable person]: And the child(ren) shall reside with [specify relative or other suitable person]¹: _____
- And during the period of such placement, respondent(s)[specify]:
_____ shall remain under the supervision of a child protective agency,

¹ The relative or suitable person must be approved or certified as a foster parent.

social services official, or duly authorized agency

upon the following terms and conditions: _____

THE CHILD(REN) IS/ARE DIRECTLY PLACED OR CONTINUE(S) TO BE DIRECTLY PLACED pursuant to Family Court Act §1055(a)(ii), in the custody of _____, who has consented to the jurisdiction of this Court, until the completion of the next permanency hearing or further orders of this court. The Court finds that continued placement or temporary removal of the child is required due to best interests and safety needs of the child and that the child would be at risk of further abuse or neglect if returned to the parent/respondent.

During the pendency of the placement, the local Commissioner of Social Services shall supervise the placement : under the following terms and conditions:

PERMANENCY HEARING HELD JOINTLY WITH CUSTODY OR GUARDIANSHIP HEARING:

A petition for custody guardianship pursuant to Article Six of the Family Court Act having been filed and the Court having adjudged that custody guardianship of: _____ by [specify relative(s) or suitable person(s)] : _____ will provide a safe and permanent home for the child(ren);

AND

1. all parties, including the attorney for the child(ren) and any foster parent who has had custody of the child(ren) in excess of one year, have consented to such custody or guardianship;

OR

the following parties [specify]: _____ have not consented, but this Court has found custody or guardianship to be in the child(ren)'s best interests;

AND/OR

the following parent(s): _____ have not consented, but this Court has found extraordinary circumstances supporting custody or guardianship;

AND

2. the safety of the child(ren) will not be jeopardized if the respondent(s) are no longer under the jurisdiction of this Court on this petition and are not receiving services or supervision, therefore, specify relative(s) or suitable person(s): _____ is/are appointed guardian granted custody of : _____ pursuant to an Order of custody guardianship granted on Docket # _____, dated : _____, thereby terminating the jurisdiction of this Court over this Article 10 proceeding and terminating custody with the local Commissioner of Social Services.

The local department of social services and the attorney for the child(ren) shall be notified and shall be made parties to any subsequent proceedings for modification, enforcement or termination of the Order.

AND THE COURT FURTHER ORDERS:

FINAL DISCHARGE

- The Commissioner of Social Services is authorized to FINALLY discharge the child(ren) from the Commissioner’s care to the parent without further court hearing, provided that written notice is provided to the Court and attorney for the child(ren) not less than 10 days in advance of the discharge.

TRIAL DISCHARGE: RESTRICTIONS AND EXTENSIONS

The Commissioner of Social Services²

- may discharge the child(ren) on a trial basis or continue such a discharge until the earlier of the completion of the next Permanency Hearing or further Order of the Court

- may not discharge the child(ren) on a trial basis to the physical custody of respondent(s):
-

- may only discharge the child(ren) on a trial basis to the physical custody of respondent(s) _____ upon the following event(s) or condition(s): _____
-

- may not discharge the child(ren) on a trial basis to another planned permanent living arrangement;

- may only discharge the child(ren) on a trial basis to the following planned permanent living arrangement [specify, including significant connections to an adult willing to be a permanent resource]: _____ upon the following event(s) or condition(s): _____

; (and it is further)

[Applicable to youth 18 and over who will be discharged on a trial basis with their consent]:

- The Commissioner of Social Services
 - shall discharge the youth on a trial basis
 - shall continue the discharge of the youth
 - may continue or extend the trial discharge of the youth
 - to another planned permanent living arrangement other [specify]: _____

until the earlier of the next permanency hearing, further Order of the Court OR 21st birthday(s) of the youth.
Youth 18 and over discharged on a trial basis shall inform the local department of social services of any change in mailing address and contact information.

ABSCONDING [Required if child(ren) in placement]:

² Note: during a period of trial discharge, legal care and custody remains with the Commissioner and permanency hearings must be held. Youth 18 years of age or older must consent to any trial discharge.

If the child(ren) abscond(s) 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(ren), the docket number of this proceeding, and the date on which the child(ren) ran away.

ORDER OF PROTECTION:

[Specify respondent(s) or other person(s) before the court]: _____
(is)(are) required to comply with the terms and conditions specified in the order of protection, issued pursuant to Family Court Act §1056, annexed to this order and made a part thereof.

Permanency Goal

The Petitioner’s permanency goal for the child(ren) which has already been achieved or is to be achieved by: the next permanency hearing date or [specify date]: _____ is

approved modified as follows:

- reunification with the parent(s) other person(s) legally responsible for the child(ren)’s care
- placement for adoption, including consideration of interstate options
 - upon filing a petition to terminate parental rights within 90 days, unless a surrender has been executed;
 - pending a parental rights termination petition already filed;
 - upon judicial approval of surrender instrument;
- referral for legal guardianship by: _____
- permanent placement with the following fit and willing relative: _____
- permanent placement in the following alternative planned living arrangement: _____
 - with a significant connection to the following adult: _____ who is:
 - willing to be a permanency resource for the child(ren);
 - under exploration as a permanency resource for the child(ren);
 - an adult not yet identified;

Any modifications of the Permanency Goal shall be given by Petitioner to the parent(s) or other person(s) legally responsible for the child(ren)’s care, with a copy of this Order.

Future Reasonable Efforts Ordered by the Court

The following reasonable efforts shall be made to make and finalize the child(ren)’s goal of [specify goal and describe efforts]: _____

Petitioner shall plan concurrently for _____

EDUCATIONAL PLAN (child(ren) remaining in out of home care):

The educational vocational components of the child(ren)’s permanency plan are appropriate should be modified as follows: _____

The Petitioner shall take the following steps and/or provide the following services for the education, health and well-being of the child(ren): _____

STRENGTHENING PARENTAL RELATIONSHIP:

The local social services district or authorized agency shall undertake diligent efforts to encourage and strengthen the parental relationship, including encouraging and facilitating visitation with the child(ren) by the parent or other person legally responsible, and encourage and facilitate visitation with the child(ren) by any non-custodial parent or grandparent who has obtained an order pursuant to F.C.A. §1081 and by the child(ren)'s siblings. Such efforts shall include, but are not limited to, the following [specify]: _____

VISITATION (child(ren) remaining in out of home care):

The Petitioner shall provide the parent or other person(s) legally responsible for the child(ren)'s care with visits with the child(ren) as follows: _____

The Petitioner shall provide the following sibling(s): _____ with visits with the child(ren) as follows: _____

Visits with the parent or other person(s) legally responsible for the child(ren)'s care siblings shall be limited as follows [specify]: _____

TERMINATION OF PARENTAL RIGHTS PETITION (Goal - Adoption):

Unless a surrender has been executed, the Commissioner of Social Services or authorized agency is directed to file termination of parental rights petitions regarding the following child(ren):

_____ against the following respondent(s): _____ within 90 days of the date of this order or as directed as follows: _____

TRANSITIONAL SERVICES (Child(ren) will be 14 or older prior to the next permanency hearing)

The Court *finds* the following services are needed to assist the child(ren) to make the transition from foster care to independent living and the court *orders* the Petitioner is to provide the following services and assistance to the child(ren) to make the transition from foster care to independent living [specify]: _____

The Court finds that NO services are needed to assist the child(ren) to make the transition from foster care to independent living.

CONSENT - CHILD(REN) 18 OR OLDER (child(ren) remaining in out of home care):

The child(ren) has/have consented has/have not consented to remain in foster care;

OUT OF STATE PLACEMENT (child(ren) remaining in out of home care):

The court *finds* that placement outside New York State is appropriate, necessary, and in the child(ren)'s best interests, and the court *orders* that the placement of the child(ren)

at: _____ is continued until completion of the next permanency hearing .

The court finds that placement outside New York State is NOT appropriate, necessary and in the child(ren)'s best interests, and the child(ren) shall be returned to New York State to be:

- placed with [specify, if individual]: _____ .
- discharged to [specify, if individual]: _____ .

PROGRESS REPORTS AND NOTICES:

- Petitioner shall make a progress report to the Court, the parties and the attorney for the child(ren) on the implementation of this order as follows [specify date and/or frequency]: _____
- If the above permanency goal for the above-named child(ren) is changed, notice shall be provided to the Court, the parties and the attorney for the child(ren) forthwith.

DUTY TO DISCLOSE CHANGES IN MAILING ADDRESS:

The respondent parent(s) or other person(s) legally responsible for the child(ren)'s care, as well as any youth 18 years of age or older who are discharged on a trial basis, are required to notify the local department of social services or agency of any change of mailing address and contact information.

PLANNING CONFERENCES (child(ren) remaining in out of home care):

The parent(s) or other person(s) legally responsible for the child(ren)'s care shall 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.

NOTICES AND PERMANENCY HEARING REPORTS (child(ren) remaining in out of home care):

Petitioner shall transmit notice of the hearing and a permanency report **NO LATER THAN 14 DAYS IN ADVANCE OF** the permanency hearing date directed on the face of this Order to the respondent and non-respondent parent(s), other parties, attorneys, the attorney for the child(ren) and any pre-adoptive parents or relatives providing care to the child(ren) and shall also transmit notice of the hearing to former foster parent(s) who have had care of the child(ren) in excess of 12 months, unless otherwise directed by this Court..

FURTHER ORDERS:

- It is further ORDERED

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]: _____