

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____, New York,
on _____, 2007.

P R E S E N T:

Hon.
Judge _____

In the Matter of a Commitment of Guardianship
and Custody pursuant to §384-b of the
Social Services Law of _____

Docket No. _____

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF DISPOSITION
(Permanent Neglect)**

CIN # _____
A Child under the Age of Eighteen Years,
Alleged to be a Permanently Neglected Child

THE NEXT PERMANENCY HEARING SHALL BE HELD ON [specify date/time]:²

A Petition under Article 6, Part 1 of the Family Court Act and Section 384-b of the Social Services Law having been filed alleging that the above-named child is a permanently-neglected child; and summonses having been issued and duly served upon and notice having been duly given to all proper parties hereto, and

Respondent #1 [specify]:
having appeared with counsel without counsel waived counsel not appeared;

And Respondent #1 [specify]: _____ having:
 voluntarily, intelligently and knowingly admitted in open court that (s)he committed
the following act(s) [specify]: _____

¹ NOTE: Where a suspended judgment is ordered, Form TPR-2a, instead of this form, must be used.

² Respondent is NOT a party to the permanency hearing if his or her rights have been terminated. Unless the petition is dismissed or the child is returned home, the permanency hearing must be scheduled for a date certain within 30 days of the earlier of this Court's announcement of its decision or issuance of this Order. The next permanency hearing must be scheduled for a date certain not more than six months after the completion of the permanency hearing. A separate permanency order, Form PH-6, must be issued even if the permanency hearing is combined with the dispositional hearing in this proceeding.

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

failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court;

Respondent #2 [specify, if any]:

having appeared with counsel without counsel waived counsel not appeared;

And Respondent #2 [specify, if any]: having:

voluntarily, intelligently and knowingly admitted in open court that (s)he 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 ;

failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;

And the child having been represented by a law guardian;

[Required where only one parent or non-parent is Respondent; check if applicable]:

The legal status of the other parent(s) [specify]: is/are as follows [specify if rights retained, terminated, surrendered or if parent is deceased or whereabouts unknown]:

[Required in cases involving Native-American children; check if applicable]:

And the following having been duly notified [check applicable box(es)]:

parent/custodian³ 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;

The matter having duly come on for a fact-finding hearing , the Court, after [check box]

hearing the proofs and testimony offered in relation to the case

accepting the admission by Respondent(s) [specify]:

finds that the allegations that [specify Respondent(s)]: (has) (have)

permanently neglected the child are are not supported by clear and convincing proof, and

makes the following findings of fact by clear and convincing evidence and comes to the following conclusions of law:

FINDINGS OF FACT

[insert]

CONCLUSIONS OF LAW

[insert]

³ Notice to parent is not required if parental rights were terminated.

And the matter having duly come on for a dispositional hearing, and

Respondent [specify]:

having appeared with counsel without counsel waived counsel not appeared;

Respondent [specify]:

having appeared with counsel without counsel waived counsel not appeared;

before this Court for the dispositional hearing; and

[Applicable in cases where guardianship and custody are committed to an authorized agency]: And the Court having determined that the following individual(s) would be entitled to notice of an adoption pursuant to Domestic Relations Law §111-a [specify name(s)]:

And the Court having determined that such person(s) had had not been provided with notice of the proceeding and that such person(s) had had not appeared;

[Required if Child is 14 or older]: The above-named child, who was born on [specify]:

has consented to adoption by [specify]:

has withheld consent to adoption by [specify]: for the following reasons

[specify, including information furnished by the law guardian and/or child]:

The Court, having made examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions and capacities of the persons involved in this proceeding, finds that the best interests of the child require the disposition made below:

NOW, therefore, it is

ORDERED AND ADJUDGED that [specify child]:

is [check applicable box]: a permanently neglected child as defined in subdivision seven of section 384-b of the Social Services Law;

not permanently neglected and the petition is DISMISSED.

And it is further [check applicable box(es)]:

ORDERED that the guardianship and custody of [specify child]:

are transferred to [specify]: an authorized agency foster parent(s); and such guardianship and custody of the child are committed to the authorized agency foster parent(s) upon the following terms and conditions [specify]:

And it is further ORDERED that [specify]: is authorized and empowered to consent to the adoption of the child subject to the order of a Court of competent jurisdiction to which a petition for adoption is submitted without the consent of or further notice to [specify]: , the [specify relationship to the child]:

Applicable where guardianship and custody have been transferred to the Petitioner

AND IT IS FURTHER ORDERED that the Petitioner herein shall forthwith advise the pre-adoptive foster parents(s) of his/her/their right to file an adoption petition in a court of competent jurisdiction and further advise the pre-adoptive foster parent(s) as to all necessary supporting documents;

AND IT IS FURTHER ORDERED that a certified copy of this order be filed for recording at the Office of the County Clerk in accordance with the provisions of Section 384-b of the Social Services Law;

Applicable Where Child is Native-American:

- 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 proceeding is DISMISSED WITHOUT PREJUDICE.

Required Notice Regarding Absconding: [Required where child is in out-of-home care]:

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 proceeding, and the date on which the child ran away.

Transitional Services: [Applicable in cases where the child is 14 years of age or older or will attain the age of 14 by the next permanency hearing]:

ORDERED that the Petitioner 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]:
; (and it is further)

Required Where Placement Is Outside New York State.

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

Required Date Certain for Permanency Hearing [Required in all cases in which the child is in the guardianship and custody of the authorized agency or foster parent]:

ORDERED that if the child remains in the custody and guardianship of the authorized agency or foster parent, the next permanency hearing shall be held on [specify date certain within 30 days of the earlier of the Court’s announcement of its decision or issuance of this Order]:⁴

And it is further ORDERED that Petitioner shall transmit notice of the hearing and a permanency report no later than [check applicable box]: 14 days in advance of the above date certain other date [specify]: to all parties (not including any Respondent whose parental rights have been terminated), attorneys, the law guardian and any pre-adoptive parent or relative providing care to the child(ren) and, unless dispensed with by the Court, shall transmit notice of the hearing to former foster parent(s) who have had care of the child(ren) in excess of 12 months.

AND IT IS FURTHER ORDERED that

⁴ If guardianship and custody of the child have not been committed, but the child remains in the care and custody of an authorized agency, including cases where judgment has been suspended, the permanency hearing shall be held as previously scheduled six months from completion of the last permanency hearing.

ENTER

Judge of the Family Court

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: _____, .

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]: _____