

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 the Commitment of
Guardianship and Custody pursuant to
section 384-b of the Social Services Law of

Docket No.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER OF
DISPOSITION**
(Parents’ Mental Illness
or Mental Retardation)

CIN #
A Child under the Age of Eighteen Years,
alleged to be the Child of Mentally Ill or
Mentally Retarded Parent(s)

THE NEXT PERMANENCY HEARING SHALL BE HELD ON [specify date/time]:¹

A Petition under Section 384-b of the Social Services Law, dated [specify]: _____,
having been filed in this Court alleging that [specify]: _____ is a child whose parent(s)
(is)(are) unable to provide proper care by reason of such parent(s)’ [check applicable box]: mental
illness mental retardation; 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
[check box if applicable]: and a guardian ad litem having appeared for the Respondent;

And Respondent #1 [specify]: _____ 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 ;

¹ 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.

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;
[check box if applicable]: and a guardian ad litem having appeared for the Respondent;

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/custodian² 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, including [check box]: a physician and a certified psychologist a psychiatrist;
 accepting the admission by Respondent(s) [specify]:

The Court finds that the allegations of mental illness mental retardation are are not supported by clear and convincing evidence, and the Court further 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]

² Notice to parent is not required if parental rights were terminated.

The matter having duly come on for a dispositional hearing, and

Respondent [specify]:

having appeared with counsel without counsel waived counsel not appeared;
[check box if applicable]: and a guardian ad litem having appeared for the Respondent;

Respondent [specify]:

having appeared with counsel without counsel waived counsel not appeared;
[check box if applicable]: and a guardian ad litem having appeared for the Respondent;
before this Court for the dispositional hearing [check box if applicable]: and permanency hearing; and

[Applicable in cases where guardianship and custody are committed to an authorized agency]: 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 Over 14]: 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]:

is a child whose parent(s) cannot provide proper care by reason of mental illness mental retardation as defined in subdivision six of section 384-b of the Social Services Law; and it is [Check applicable box(es)]:

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

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, 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

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]: _____