

F.C.A. §1022; 1017, 1027
S.S.L. §§393, 409-h

Form10-1c
(Child Protective-Application for
Pre-petition Temporary Removal of
Child(ren) From Home)
9/2021

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of

Docket No.

CIN #
A Child(ren) Under the Age of Eighteen
Alleged to be

Abused Neglected by

APPLICATION FOR
PRE-PETITION
TEMPORARY REMOVAL
OF CHILD(REN) FROM
HOME

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 SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS. IF THE PETITION IS GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.

TO THE FAMILY COURT:

The undersigned, _____, is [check applicable box]:

- the [state title, agency and county]:
a duly authorized child protective agency, with offices at [specify]:
 - a person authorized by the Court [specify]:
- and respectfully alleges that:

1. a. (Upon information and belief,) the child(ren) who are the subject(s) of this application is/are: The child(ren) who (is) (are) the subject(s) of this proceeding (is)(are):
Name Sex Date of Birth Custodial Parent/Guardian Child's Address

b. (Upon information and belief) The father and mother of the child(ren) and their respective residence addresses are:

<u>Name of Child(ren)</u>	<u>Name of Parent</u>	<u>Parent's Address</u>
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2.. (Upon information and belief,), the child(ren) require immediate protection and should be temporarily removed from home prior to the filing of a child protective petition for the following reasons:

a. The parent or other person legally responsible for the child(ren)'s care was:
 absent; present but refused, when asked, to consent to the child(ren)'s temporary removal and was informed of this application;

b. The child(ren) appear(s) to suffer from abuse or neglect such that immediate removal is necessary to avoid imminent danger to the child's life or health, because [specify]:

c. There is not enough time to file a petition and hold a preliminary hearing pursuant to Family Court Act §1027.

3. The subject child is is not a Native-American child, who is subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963). If so, the following have been notified [check applicable box(es)]:

parent/custodian [specify name and give notification date]:

tribe/nation [specify name and give notification date]:

United States Secretary of the Interior [give notification date]:

4. a. Continued placement in the parent's home [check applicable box]:
 would would not be contrary to the child(ren)'s best interests, based upon the following facts and for the following specific reasons [specify]:

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

Report of suspected abuse or maltreatment, dated [specify]:

Case record, dated [specify]:

Service Plan, dated [specify]:

The report of [specify]: , dated [specify]:

Other [specify]:

; AND

b. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home:

were made as follows [specify reasonable efforts, including specific documents or evidence supporting findings]:

- 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 child(ren) and their parent(s)[specify date of finding]:
 - because [specify other reasons]:

were not made.

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

- Report of suspected abuse or maltreatment, dated [specify]:
- Case record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

5. [Applicable where pre-petition placement in Qualified Residential Treatment Program is requested; delete if inapplicable]:

a. The permanency plan for the child, if any, is [specify; delete if inapplicable]:

.
This plan has has not changed since the most recent dispositional or permanency hearing in the following previous case [specify]:.

b. The needs of the child require a higher level of care than can be provided by a foster or therapeutic foster home because [specify]:

c. The child has been placed recommended for placement in [specify name]: a qualified residential treatment program (QRTP) pending resolution of this case.

d. The needs of the child have already been assessed by a Qualified Individual as defined in Social Services Law, Section 409-h (5) and a copy of the Qualified Individual's report has been submitted separately is submitted herewith will be submitted within five days of completion but not less than (10) days prior to the date of the first-scheduled hearing on this motion. [DELETE if inapplicable].

e. The following circumstances exist that necessitate the placement of the child in the QRTP [specify]: pending resolution of this case.

f. There is no alternative setting available that can meet the child's needs in a less restrictive environment pending resolution of this case because [specify]:

g. Placement in the QRTP is in the child's best interests pending resolution of this case because [specify]:

6. No previous application has been made to any court or judge for the relief requested herein (except [specify]:).

WHEREFORE, the undersigned requests that an order be made pursuant to Family Court Act §1022 temporarily removing the child(ren) from the home of [specify parent(s) or person(s) legally responsible]:
and placing the child(ren) temporarily in the care and custody of the Department of Social Services of [specify county]: County, and further [DELETE if inapplicable]:
 temporarily placing the child in the following Qualified Residential Treatment Program pending the filing of a child protective petition and the convening of a hearing pursuant to Family Court Act §1027, and directing such other and further relief as to the Court may seem just and proper.

Dated:

By: (Agency)
(Title)

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF)

, being duly sworn,

deposes and says:

That (s) he is the [specify title and agency]:

- an authorized child protective agency
- person authorized by the Family Court, and is acquainted with the facts and circumstances therein; that (s) he has read the foregoing and knows the contents thereof; that the same is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s) he believes it to be true.

Name

Title

Sworn to before me this
day of , .

(Deputy)(Clerk of Court)
(Notary Public)