

Soc. Serv. Law §§ 358-a, 384,  
384-a, 384-c, 393, 409-h

Form 358-a- 1  
(Petition for  
Approval of a Placement  
Instrument)  
9/2021

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....  
In the Matter of the Application for  
Approval of an Instrument concerning

Docket No.

PETITION FOR  
APPROVAL OF  
A PLACEMENT  
INSTRUMENT

CIN #  
Pursuant to Section 358-A of the  
Social Services Law  
.....

**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.**

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief:

1. The Petitioner is authorized to file this petition in that (s)he is an official of the  
 Department of Social Services for [specify]: County  
 New York City Administration for Children’s Services, having (his)(her) office and place of  
business at [specify]:

2. a. The above-named child is a  male  female  non-binary child, who was born on  
[specify]:

b. The names and addresses of the birth parent(s) or legal guardian(s) of the child are as  
follows:

Name

Address

3. On [specify date]: \_\_\_\_\_, the child was removed from the home of [specify]: \_\_\_\_\_, pursuant to a written instrument executed pursuant to Social Services Law [check applicable box]:  384  384-a(1)  384-a(2)(h)1 on [specify date]: \_\_\_\_\_ by [specify who executed the instrument and relationship(s) to child]: \_\_\_\_\_  
A copy of the instrument is attached to this petition.

4. (Upon information and belief) The child now resides at [specify]: \_\_\_\_\_ and is likely to remain in the care and custody of the Department of Social Services for a period in excess of thirty (30) consecutive days.

5. (Upon information and belief) [Specify name(s)]: \_\_\_\_\_ voluntarily executed the attached instrument because (he)(she) (they) (is)(are) unable to make adequate provision for the care, maintenance and supervision of the child in (his)(her)(their) own home for the reasons that [specify]: \_\_\_\_\_

6. (Upon information and belief) Continuation of the child in, or return of the child to, the child's home would be contrary to the best interests of the child because [specify facts and reasons]: \_\_\_\_\_

This assertion is supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:  Service Plan, dated [specify]:
- The report of [specify]: \_\_\_\_\_, dated [specify]: \_\_\_\_\_
- Other [specify]: \_\_\_\_\_

7. a. Reasonable efforts, where appropriate, to prevent or eliminate the need for placement, and, if the child was removed prior to the date of the hearing, to return the child 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 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 [specify other reasons]: \_\_\_\_\_
- were not made.

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<sup>1</sup> A standby placement instrument lasting up to one year in duration, previously approved by the Court, pursuant to Social Services Law §358-a(2)(h)(iii), may provide that the child be transferred into foster care upon the death, debilitation or incapacitation of the parent or legal guardian. *See* Forms 358-a-6 and 358-a-7. Once the transfer takes place, the status of the child must be reviewed using this form, pursuant to Social Services Law §358-a, and the required “best interests” and “reasonable efforts” findings must be made.

This assertion is supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:  Service Plan, dated [specify]:
- The report of [specify]: \_\_\_\_\_, dated [specify]:
- Other [specify]:

b . [Applicable in cases in which the child's permanency plan is adoption, guardianship or permanent living arrangement other than reunification]: Reasonable efforts to make and finalize the permanency plan of [specify]:

- were made as follows [specify]:
- were not made.

This assertion is supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:  Service Plan, dated [specify]:
- The report of [specify]: \_\_\_\_\_, dated [specify]:
- Other [specify]:

c. The following impediments exist, if any, to the fulfillment of the child's permanency plan [specify, indicating documentary sources of information, if any]:

8. The permanency plan for the child is as follows:

- reunification with the  parent(s)  guardian(s) by [specify date]:
- placement for adoption upon filing of a petition to terminate parental rights by [specify date]:
- referral for legal guardianship by [specify name and date]:
- permanent placement with the following fit and willing relative [specify name]:  
by [specify date]:
- permanent placement in the following alternative planned living arrangement [specify]:
  - with a significant connection to the following adult [specify]:  
who is [check applicable box]:
  - willing to be a permanency resource for the child
  - under exploration as a permanency resource for the child;

OR

with a significant connection to an adult not yet identified;

upon documentation, available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child's best interests to return home, be referred for termination of parental rights and adoption, placed with a fit and willing relative, or placed with a legal guardian [specify compelling reason(s)]:

9. [Required where child is 14 years of age or older]: (Upon information and belief) The services needed, if any, to assist the child to make the transition from foster care to independent living are [specify]:

10. [Applicable where transfer was made pursuant to section 384-a of the Social Services Law] (Upon information and belief) Care and custody of the child has been transferred to the Department of Social Services by means of an instrument executed pursuant to section 384-a of the Social Services Law, and all of the requirements of such section have been satisfied.

11. [Applicable where transfer was made pursuant to section 384-a of the Social Services Law and where waiver was signed]: (Upon information and belief) Pursuant to the attached instrument, [specify]: (has) (have) consented to the jurisdiction of the Family Court over this proceeding and (has)(have) waived service of the petition and notice of this proceeding.)

12. (Upon information and belief) The names and last-known addresses of the child's parents and all other persons required to be given notice of this proceeding pursuant to sections 358-a and 384-c of the Social Services Law are:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
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and there are no persons other than those set forth who are entitled to notice.

13. The visiting plan(s) for the child and the  parent(s)  guardian(s) ( is)(are) as follows [describe plan(s)]:

14. a. The child has the following sibling(s) or half-sibling(s) [specify, including date of birth and whether in foster care]:

b. The child  is  is not placed together with such sibling(s) or half-sibling(s) for the following reason(s) [specify reasons not placed together; if placement together is under investigation, so indicate]:

c. [Applicable where child and siblings or half-siblings are not placed together]:  
The visiting plan(s) for the child and (his)(her) sibling(s) or half-sibling(s) ( is)(are) as follows [describe plan(s)]:

15. a. A visitation order regarding the following non-custodial parents and grandparents  
 is  is not incorporated into the placement instrument pursuant to Social Services Law §384-a(2)(d) for the following reason(s) [specify reason(s) if visitation order is not incorporated]:

b. The above-named non-custodial parent(s) and grandparent(s)  
 are  are not the subject of an indicated report, as such term is defined in Section 412 of the Social Services Law, filed with the statewide register of child abuse and maltreatment pursuant to Title Six of Article Six of the Social Services Law. If so, specify date, status and circumstances to the extent known:

c. The above-named non-custodial parent(s) and grandparent(s)  
 are  are not the subject(s) of or the respondent(s) in a child protective proceeding commenced under Article Ten of the Family Court Act. If so, specify whether the proceeding resulted in an order finding that the child is an abused or neglected child, date and status to the extent known:

16. **REQUIRED if placement in Qualified Residential Treatment Program is requested:**

a. The permanency plan for the child is [specify]: .  
This plan  has  has not changed since the most recent dispositional or permanency hearing.

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).

d. The needs of the child have 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.

e. The following circumstances exist that necessitate the placement or continued placement of the child in the QRTP [specify]:

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

g. Placement or continued placement in the QRTP is in the child's best interests because [specify]:

17. 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]:

18. [Required]: Petitioner is required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education and early intervention records) of each child named in this Petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

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

WHEREFORE, Petitioner requests:

A. That process be served on those entitled thereto in accordance with sections 358-a or 384-c of the Social Services Law;

B. That pending any hearing that the Family Court may require, a temporary order be made approving the transfer of custody and care of the child to the Social Services official of \_\_\_\_\_ County, pursuant to section 358-a of the Social Services Law;

C. That the Court enter a final order granting the petition approving the annexed instrument and approving the transfer of custody and care to the Social Services official of [specify]:  
County;

D. That the Court enter an order describing the above visiting plans for the child and (his)(her) parent(s) or guardian(s) and for the child and (his)(her) sibling(s) or half-sibling(s);

E. That the (parent)(guardian) be notified of the planning conference(s) to be held, of (his)(her) right to attend such conference(s) and of (his)(her) right to attend with counsel or other person;

F. That the (parent)(guardian) be given a copy of this Court's order and service plan;

G. [DELETE if inapplicable]:  That this Court enter an order approving placement of the child in the following Qualified Residential Treatment Program [specify]:

H. That this Court schedule a date certain for a permanency hearing;

I. That the Court grant such other and further relief as the Court may deem just and proper.

Dated: \_\_\_\_\_

Signature of Petitioner: \_\_\_\_\_

Title: \_\_\_\_\_

Print or type name: \_\_\_\_\_

Signature of Attorney, if any: \_\_\_\_\_

Attorney's Name ( Print or Type) \_\_\_\_\_

Attorney's Address and \_\_\_\_\_

\_\_\_\_\_

Telephone Number \_\_\_\_\_