

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of

Docket No.

A Person Alleged to be a Person in
Need of Supervision,

PETITION
(Petition for Extension of
Placement and
Permanency Hearing)

Respondent

**DEADLINES: THIS PETITION MUST BE FILED BY [Specify date]:¹ AND THE
PERMANENCY HEARING MUST BE COMPLETED BY [Specify date]:
TO THE FAMILY COURT:**

The undersigned Petitioner respectfully alleges upon information and belief that:

1. Petitioner [specify name and title]: _____, is the [specify]:

person

official acting on behalf of an agency or institution duly authorized for the placement of
persons in need of supervision under Article 7 of the Family Court Act.

Petitioner's residence principal office is located at [specify address]:

_____, New York.

2. a. Under an Order of Fact-finding and Disposition of this Court, dated _____,
the above-named Respondent, born [specify]: _____, was adjudicated to be a person in need
of supervision within the meaning of Article 7 of the Family Court Act, and was placed with Petitioner
pursuant to section 756 of the Family Court Act for a period of _____ months, terminating on _____.

b. Placement was last extended on [specify date]: _____, terminating on
[specify date]: _____

3. A permanency hearing is required at this time because [check applicable box(es)]:

A finding by the Court that reasonable efforts to reunify the child with his or her

parent(s) person(s) legally responsible for his or her care are not necessary was made

on [specify date]: _____

The last permanency hearing with respect to this child was held on [specify]: _____

No permanency hearing has been held since the child was deemed to have entered foster care.

4. a. The following are the names and addresses of the parents or other persons legally
responsible for the care of the Respondent:

Name

Residence

Relationship

¹This petition must be filed not less than 15 days prior to the date of expiration of the placement or, if this is
a petition for a subsequent extension of placement and permanency hearing, not less than 30 days prior to the
expiration of the extended placement, except for good cause shown, but in no event beyond the date of expiration of
the placement.

b. In addition to the persons named in ¶a, the following individuals must be notified of this proceeding:

- Attorney for the Respondent [specify]:
- Prospective adoptive parent(s)[specify]:
- Foster parent(s)[specify]:
- Relative(s)[specify]:
- Other [specify]:

5. Return of Respondent to the home would be contrary to the Respondent's best interests and the placement should be extended because [specify facts and reasons, including safety considerations, if any]:

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

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

6. a. **The permanency plan for the Respondent is as follows** [check applicable box(es) and indicate time frame(s)]:

- reunification with the parent(s) person(s) legally responsible for Respondent's care 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]:
- [Applicable ONLY to Respondents who are 16 years of age or older]:** permanent placement in the following alternative planned living arrangement [specify]:

[REQUIRED in all APPLA plan cases]:²

(i) Documentation, made available to the Court, provides the following compelling reason(s) indicating that it would not be in the Respondent'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), indicating documentary sources of information, if any]:

(ii) APPLA is the best permanency plan for the Respondent because [specify]:

² Although applicable to all youth in care, the requirement for documentation regarding subparagraphs (v) and (vi) to be submitted to the Court applies only to youth with APPLA goals.

(iii) The following intensive, ongoing, and, as of the date of this petition, unsuccessful efforts were made to return the Respondent home or secure a placement for the Respondent with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent, including through efforts that utilize search technology including social media to find biological family members of Respondent [specify]:

(iv) The following individual, with whom Respondent has a significant connection, is willing and should be designated as the Respondent's permanency resource [specify]:

(v) The "reasonable and prudent parent" standard of care has been applied to Respondent in the facility or home in which he or she resides as follows [specify]:

(vi) Respondent has been provided with regular, ongoing opportunities to engage in age or developmentally appropriate activities and has been consulted in an age-appropriate manner about the opportunities to participate in activities as follows [specify]:

b. This permanency plan [check applicable box]:

- has not changed since the dispositional hearing or last permanency hearing;
- has changed as follows [specify, indicating documentary sources of information, if any]:

c. This permanency plan is appropriate without modification because [specify reasons, indicating documentary sources of information, if any]:

d. The service plan for the Respondent is appropriate without modification because [specify reasons, indicating documentary sources of information, if any]:

7. a. Reasonable efforts, where appropriate, to return the Respondent 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 pursuant to F.C.A. §754(2) that the authorized agency was not required to make reasonable efforts to reunify the Respondent with the

- parent(s) person(s) legally responsible for Respondent's care [specify date of finding]:
- because of other reasons [specify other reasons, indicating documentary sources of information, if any]:
- were not made.

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

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

b. [Required in cases in which the Respondent'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 based upon the following facts and for the following reasons [specify]:

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

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

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

8. [Required in cases where the Respondent has attained the age of 16]: The following special circumstances warrant continued placement of the Respondent [specify]:

9. [Required in cases where the Respondent has attained the age of 14]: The services needed, if any, to assist the child to make the transition from foster care to independent living are [specify]:

- a. These services are being provided as follows [specify]:
- b. These services are not being provided for the following reasons [specify, indicating documentary sources of information, if any; if no services are needed, so indicate]:

10. [Required where the Respondent has been placed out-of-state] The placement of the Respondent at [specify]: [check applicable box]:
 continues to be is not appropriate and in the child's best interests because [specify, indicating documentary sources of information, if any]:

11. a. The visitation plan, if any, for the Respondent and the parent(s) other person(s) legally responsible for Respondent's care is as follows [describe plan(s); if visitation is supervised, so state]:

b. The visitation plan, if any, for the child and the child's sibling(s) or half-sibling(s) is as follows [describe plan(s)]:

12. [Applicable where the Respondent has been in foster care for 15 out of the most recent 22 months]: A termination of parental rights petition:

- was filed on [specify date]: in [specify court]:
The status of the case is as follows [specify]:
- will be filed not later than [specify date]: in [specify court]:
- will not be filed for the following reason(s) [check applicable box(es) and cite documentary sources of information, if any]:³
 - The Respondent is being cared for by a relative or relatives;
 - The authorized agency has documented the following compelling reason for not filing a termination of parental rights petition:
 - The Respondent was placed as a person in need of supervision and the following facts and circumstances support a permanency plan of : return to the parent(s) or other person(s) legally responsible for the Respondent's care, or independent living: [specify facts and circumstances, citing documentary sources, if any]:
- The Respondent has a permanency plan other than adoption;
- The Respondent is 14 years of age or older and will not consent to adoption;
- There are insufficient grounds for filing a termination petition;
- The Respondent is the subject of a pending child abuse or neglect petition that has not yet reached disposition and the permanency plan is return to the parent(s) or other person(s) legally responsible for the Respondent's care.⁴

³ See Social Services Law §§384-b(3)(1)(i), 384-b(3)(1)(ii).

⁴ This ground does not apply if the Respondent is already in the custody of the local commissioner of

- The authorized agency has not provided the following legally required services to the parent(s) of the Respondent that it deems necessary for the safe return of the Respondent [specify, citing documentary sources, if any]:

13. The Respondent has the following conditions and special needs [specify]:

<u>Area</u>	<u>Conditions/Special Needs</u>	<u>Services Needed</u>	<u>Services Provided</u>	<u>Last Evaluation</u>
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- Medical
- Developmental
- Educational
- Mental Health
- Other [specify]:

14. **[REQUIRED if approval of placement in Qualified Residential Treatment Program is requested; DELETE if inapplicable]:**

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

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

c). The Respondent has been placed recommended for placement in [specify name]: a qualified residential treatment program (QRTP).

d). [Applicable to initial QRTP placement only]: The needs of the Respondent have been assessed by a Qualified Individual as defined in Social Services Law, Section 409-h (5) and a copy of

social services as a result of a proceeding other than the pending child abuse or neglect proceeding. *See* Social Services Law §§384-b(3)(1)(ii)(E).

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 continued placement of the Respondent in the QRTP [specify]:

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

g. It would be contrary to the welfare of the Respondent to be placed in a less restrictive setting and that continued placement in a QRTP is in the Respondent child's best interests because [specify]:

15. The Respondent is is not a Native-American child 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]:

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

WHEREFORE, Petitioner requests that this Court conduct a permanency hearing and enter an order of disposition extending the Respondent's placement as follows:

- A. Approving Petitioner's implementation of the above permanency plan for the Respondent;
- B. Extending the Respondent's placement for a period of [specify period of not more than six

months if it is the first extension and not more than four months if it is the second extension]:

C. Directing that, if the Respondent remains in foster care, the Petitioner must file a petition for a permanency hearing not later than [specify date not less than 30 days prior to the expiration of this extension of placement]

; and

D. Granting such other and further relief as it deems appropriate, including, but not limited to the following [specify]:

Dated: _____, _____.

 Petitioner

 Print or Type Name

 Signature of Attorney, if any

 Attorney's Name (print or type)

 Attorney's Address and Telephone Number

VERIFICATION

(Individual)

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

being duly sworn, deposes and says:

That (s)he is
and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his)(her own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of

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

VERIFICATION

(Agency)

STATE OF NEW YORK)
) ss:
COUNTY OF)

, being duly sworn, deposes and says:

That (s)he is the of ,
an agency authorized to originate the above-entitled proceeding and is acquainted with the facts and
circumstances 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 the Court)
(Notary Public)