F.C.A §1091, 1091-a;
S.S.L. §§393, 409-h

Form PH-8
(Permanency – Order on Motion to Reenter Foster Care)
1/2024

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

PRESENT:
Hon.
Judge

.....

In the Matter of

Docket No.

CIN #
A Child under 21 Years of Age Who Was Discharged From Foster Care

ORDER (Order on Motion to Reenter Foster Care)

.....

A motion made by notice of motion or order to show cause seeking reentry of the above-named youth into foster care having been made by [check applicable box]: ❑ the youth ❑ the local department of social services;

And the above-named youth being under the age of 21 and having been finally discharged from foster care on [specify date]:

And the youth having [check applicable box(es)]:
❑ appeared ❑ with counsel ❑ without counsel ❑ waived counsel
❑ not appeared but counsel appeared;

And the following having appeared [check applicable box(es)]:
❑ local department of social services [specify]:
❑ NYC Administration for Children's Services
❑ NYS Office of Children and Family Services
❑ authorized agency [specify]:
❑ foster parent [specify]:
❑ other [specify]:

[Required if motion made by youth]:

❑ And the ❑ local department of social services ❑ NYC Administration for Children's Services ❑ NYS Office of Children and Family Services ❑ [Freed children only]: authorized agency exercising guardianship and custody [specify]:
having: ❑ consented to the return of the youth into foster care;

❑ not consented to the return of the youth into foster care, but such failure to consent was reasonable

❑ not consented to the return of the youth into foster care, but such failure to consent was unreasonable

[Required if motion made by local department of social services, NYC Administration for Children's Services, NYS Office of Children and Family Services or authorized agency]:

❑ And the youth having: ❑ consented ❑ not consented to return to foster care,

[Required]: ❑ And the youth having ❑ consented ❑ not consented to enroll in and attend a vocational or educational program;

OR

❑ Participation in an educational or vocational program would be unnecessary or inappropriate for the following compelling reason [specify, if applicable]:

And the youth having [check applicable box]:

❑ no reasonable alternative to foster care ❑ the following reasonable alternative to foster care [specify]:

And the court finds that [Check A, B or C]:

❑ A. Reasonable efforts were made to attempt to prevent the youth's return to foster care as follows [specify]:

❑ B. Reasonable efforts were not made to attempt to prevent the youth's return to foster care but such efforts would not have been appropriate because [specify]:

❑ C. Reasonable efforts were not made to attempt to prevent the youth's return to foster care.

The determination of A, B or C is based upon the following information [check applicable box(es)]:

❑ Permanency report, sworn to on [specify date]:

❑ Case record, dated [specify]:

❑ The report of [specify]: , dated:

❑ Testimony of [specify]: , on [specify date]:

❑ Other [specify]:

And the Court further finds that [Check A or B]:

❑ A. It would be contrary to the youth's welfare to remain discharged from foster care and it is in the youth's best interests to return to foster care because of the following compelling reason(s) [specify]:

OR

❑ B. There is no compelling reason supporting return of the youth into foster care;

The determination of A or B is based upon the following information [check applicable box(es)]:

❑ Permanency report, sworn to on [specify date]:

❑ Case record, dated [specify]:
❑ The report of [specify]: , dated:
❑ Testimony of [specify]: , on [specify date]:
❑ Other [specify]:

[Check box(es) if applicable]:
❑ And the instant motion having been filed [check applicable box]: :
[Applicable to youth discharged at the age of 18]: ❑ no more than 24 months after the first final discharge of the youth following the 18th birthday of the youth;

OR

[Applicable to youth discharged prior to the age of 18]: ❑ not later than the 20th birthday of the youth.

❑ And, apart from any temporary orders issued on this motion, this Court having previously:
❑ granted an earlier motion to return the youth to foster care following final discharge
❑ granted more than one earlier motion to return the youth to foster care following final discharge, which renders the youth ineligible to return to foster care
❑ denied an earlier motion to return the youth to foster care following final discharge

OR

❑ And no prior motions for return of the youth to foster care having been made;

And the Court having considered the position and information provided by the local department of social services;

❑ **[REQUIRED Where Placement in Qualified Residential Treatment Program is Requested]**: **[DELETE if inapplicable]:**

This Court, upon examination of the motion papers and supporting affirmation(s); the Qualified Individual's written assessment of the appropriateness of the requested placement; and any response thereto, including [specify]: ; and [specify other information considered]:

; and ❑ upon hearing testimony in relation thereto ❑ upon consent of all parties without a hearing, finds the following [check applicable box(es)]:

A. The needs of the child ❑ can ❑ cannot be met through placement in a foster family home because [specify facts and reasons]:

B. Placement of the child in a Qualified Residential Treatment Program (QRTP) ❑ does ❑ does not provide the most effective and appropriate level of care for the child in the least

restrictive environment because: [specify facts and reasons]:

C. Placement in [specify name of QRTP]:

❑ is ❑ is not consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan because [specify facts and reasons]:

D. Where the Qualified Individual has determined that the placement of the above-named child in the Qualifies Residential Treatment Program (QRTP) is not appropriate, the Court nevertheless finds:

❑ Circumstances exist that necessitate the continued placement of the above-named child in the Qualified Residential Treatment Program (QRTP) as follows [specify facts and reasons]:

❑ There is not an alternative setting available that can meet the above-named child's needs in a less restrictive environment; **and**

❑ Continued placement in the Qualified Residential Treatment Program (QRTP) is in the child's best interests because [specify facts and reasons]:

NOW, therefore, it is hereby [check applicable box]:

[Applicable where motion to return to foster care is GRANTED]:

❑ ORDERED that the motion for return of the youth into foster care is **GRANTED.**

❑ And it is further ORDERED that the youth is committed to the custody of the

❑ local department of social services[specify county]:

❑ NYC Administration for Children's Services

to reside [specify authorized agency or foster parent, if applicable]:

❑ [Freed children only]: authorized agency exercising guardianship and custody [specify, including foster or pre-adoptive parents, if applicable]:

And it is further ORDERED that [check applicable box]:

❑ the youth shall participate in an educational or vocational program as follows [specify]:

❑ a compelling reason exempts the youth from the program participation requirement

And it is further ORDERED that a permanency hearing shall be held on [specify date not later than 30 days from the date of this Order)]:

And it is further ORDERED that local department of social services or agency with which the youth is placed shall transmit notice of the hearing and a permanency report by [specify date]: to the youth, his or her attorney, other parties, any former foster parents or relatives providing care to the youth and shall transmit notice of the hearing to former foster parent(s) who have had care of the youth in excess of 12 months, except [specify former foster parents for whom such notice would be contrary to the best interests of the youth; delete if inapplicable]:

OR

[Applicable where motion to return to foster care is DENIED]:

❑ ORDERED that the motion for return of the youth into foster care is **DENIED.**

. ❑ And it is further ORDERED that the following agency [specify]: shall provide or arrange for the provision of the following services, supports and/or case management [specify]:

❑ **[REQUIRED Where Placement in Qualified Residential Treatment Program is Requested]**: **[DELETE if inapplicable]:** A**fter examination and inquiry into the facts and circumstances [check box if applicable]: ❑ and after hearing the proof and testimony offered in relation thereto, it is therefore** [Check applicable box(es)]:

❑ ORDERED, that the Petitioner's application for placement of the child in the "Qualified Residential Treatment Program" is GRANTED, and placement of the child in [specify name of QRTP]: is hereby approved.

OR

❑ ORDERED, that the Petitioner's application for placement of the child in the "Qualified Residential Treatment Program" is DENIED, and on or before [specify date]: the above-named child shall be [check applicable box and specify]:

❑ returned or released to the following parent [specify]:

❑ returned to or placed with the following legal guardian [specify]:

❑ returned to or placed with the following suitable adult/relative [specify]:

❑ returned to or placed in the following foster home [specify]:

❑ returned to or placed in the following facility providing supports for pre-natal, post-partum and parenting youth: (specify]:

❑ returned to or placed in the following residential program providing supportive services for youth suspected of being or at risk of becoming sexually exploited, as defined in Social Services

Law §447-a (1) [specify]:

❑ returned or placed in an available supervised setting, as defined in Social Services Law §371, that is approved and supervised by an authorized agency or the local social services district and that provides a transitional experience for older youth in which such youth may live independently [specify]:

OR

❑ On or before [specify date]: , Petitioner shall make such other arrangements for the above-named child's care and welfare that is in the best interests of the child and in the most effective and least restrictive setting as the facts of the case require as follows [specify]:

Next 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 and time certain within six months of the completion of this hearing]:

❑ AND IT IS FURTHER ORDERED that [specify]:

ENTER

_____
Judge of the Family Court

Dated:

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 ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

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]:_____