

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

Docket No.
FF #

A Child Under 21 Years of Age
Alleged to Require Placement

ORDER ON MOTION
FOR APPROVAL OF
PLACEMENT
IN A QUALIFIED
RESIDENTIAL TREATMENT
PROGRAM

.....
**NOTICE: IF YOUR CHILD IS PLACED IN FOSTER CARE, YOU MAY LOSE YOUR
RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT
YOUR CONSENT.**

**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.**

**THE NEXT COURT DATE IS [specify date certain]:
THE PERMANENCY HEARING WILL BE HELD ON [specify date certain]:²**

¹ This form must be used when the qualified residential treatment program (QRTP) hearing is NOT combined with a dispositional, permanency or extension of placement hearing. The Order must be made within 60 days of the child's entry into the QRTP.

² If this Order grants a motion to approve placement in a qualified residential treatment program (QRTP), a review of this placement must occur at the next scheduled permanency hearing. Upon such review, the Court shall determine: 1) whether the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home; 2) whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment; and 3) whether placement in the QRTP continues to be consistent with the child's short and long-term goals.

A motion having been filed with this Court on [specify date]: _____, requesting an order approving placement of the above-named child in a Qualified Residential Treatment Program (QRTP), and the Petitioner, having appeared with counsel and the parent(s) having appeared not appeared, and counsel for the parent(s) having appeared not appeared, and the attorney for the child having appeared not appeared; and

[Required in cases involving Native-American children; check if applicable]:

- And the following having been duly notified [check applicable box(es)]:
 - parent/custodian 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;

This Court, upon examination of the motion papers and supporting affidavit(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 Qualified 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**

(For SSL Section 358-a and FCA Article 10, 10-B and 10-C cases): Continued placement in the Qualified Residential Treatment Program (QRTP) is in the child's best interests because [specify facts and reasons]:

(For FCA Article 3 cases): Continued placement serves the above-named child's needs and best interests or the need for protection of the community because [specify facts and reasons]:

(For FCA Article 7 cases): It would be contrary to the welfare of the above-named child to be placed in a less restrictive setting and continued placement in the QRTP is in the child's best interests because [specify facts and reasons]:

NOW, after 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 motion is GRANTED, and placement of the child in [specify name of QRTP]: is hereby approved.

OR

- ORDERED, that the Petitioner's motion 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]:

[Applicable where child may be eligible for the *Indian Child Welfare Act*]; delete if inapplicable]:

ORDERED that the following should be notified of this proceeding [specify]:

the custodian of the child(ren); tribe/nation; United States Secretary of the Interior

ORDERED that in light of the assumption of jurisdiction by the tribe/nation, the Petitioner’s motion is **DISMISSED WITHOUT PREJUDICE;**

(and it is further)

ORDERED, that

ENTER

Judge of the Family Court

Dated: _____,

PURSUANT TO § 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, 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO THE APPELLANT BY THE CLERK OF THE COURT, 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]: