

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate a new section 205.18 of the *Uniform Rules for the Family Court*, effective September 29, 2021, to read as follows:

Uniform Rules of the Family Court

Section 205.18. Hearings and Submission of Reports and Assessments on the Placement of a Child in a Qualified Residential Treatment Program

(1) The Commissioner of the local social services district or other agency requesting placement (hereafter "Commissioner") shall file a petition or a motion requesting a court hearing on the placement of a child in a "qualified residential treatment program" prior to or no later than five days after entry of the child into the placement. The Commissioner shall serve, send or securely transmit notice to all counsel, the parties, the attorney for the child and, if the child is ten years of age or older, the child, of the date, time and court part in which the case will be heard. At that appearance, the court shall either make a determination as to the appropriateness of and need for the placement or schedule a hearing for such determination. The determination shall be made no later than 60 days of the placement of the child in the "qualified residential treatment program."

(2) The Commissioner shall arrange for the completion of an assessment and report by a "qualified individual" no later than 30 days after the date of the child's placement in the "qualified residential treatment program" and shall submit it to the court and serve, send or securely transmit it to counsel, the parties and the attorney no later than five days after completion of the report by the "qualified individual" but in no event

less than ten days prior to the first scheduled hearing at which a determination will be made.

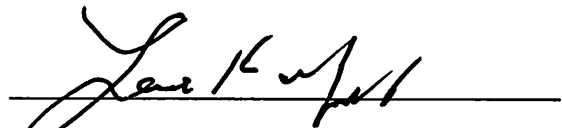
(3) The report and assessment shall include:

- (a) The qualifications and training of the "qualified individual" preparing the report and assessment, including information as to affiliations, if any, with any state, local or authorized agency in the State of New York that provides placement services for children;
- (b) The names of all caseworkers, mental health professionals and family members who contributed to the report and assessment as members of the team;, including any members suggested by the child if the child is fourteen years of age or older;
- (c) An evaluation of the strengths and needs of the child and the need for the child's placement in the designated qualified residential treatment facility (hereinafter "facility");
- (d) The reasons why the needs of the child cannot be appropriately and effectively met in a kinship or non-kinship foster home placement;
- (e) The specific facility and the level of care in which the child is or will be placed;
- (f) A description of the designated facility and the specific treatment services offered to the child at that facility;
- (g) The short term and long-term goals of the child's placement and how the placement at the designated facility meets those goals;

- h) How the placement in the specific facility and level of care is the most effective and appropriate placement in the least restrictive environment for the child;
- (i) Documentation of the time frame and plan for the child's discharge from the qualified residential treatment facility; and
- (j) Any mental health diagnosis and the basis for that diagnosis, as well as a summary of any diagnostic and treatment records, regarding the child within the past three years; provided that the diagnosis and treatment records shall be provided upon the request of counsel for a party, the attorney for the child or the court.

(4) If the court denies the Commissioner's application for the child to be placed in the specific "qualified residential treatment program" and/or level of care recommended by the Commissioner, the Commissioner shall submit a new report and assessment within ten days of the court's denial. The new report and assessment shall include a short term and long-term plan for the child including an alternative placement and/or return to parent/guardian. If the alternative placement is a qualified residential treatment program, a new assessment by a "qualified individual" must contain the information required by subdivision three of this section and must be provided to the court and all parties, including the attorney for the child, no later than five days after completion of the report by the "qualified individual" but in no event less than ten days prior to the adjourned date. In such a case, the court shall make a determination of approval or disapproval of the placement in the "qualified residential treatment program." not later than 60 days after the placement of the child in such program.

(5) A court review as to whether the child's placement in the "qualified residential treatment program" remains necessary shall be scheduled by the court no later than the next permanency or extension of placement hearing. The Commissioner shall serve, send or securely transmit notice to the parties, counsel and attorney for the child and shall submit a new report and assessment within five days of its completion but not less than ten days prior to the scheduled hearing. At each permanency or extension of placement hearing following the approval of the placement in the "qualified residential treatment program," the commissioner of the local social services district shall provide a new report and assessment including the information required by subdivision three of this section. The new report and assessment submitted for each such hearing shall include the information required by subdivision three of this section.



Chief Administrative Judge of the Courts

Dated: August 19, 2021

AO/ 251/2021