

F.C.A. §§1017, 1033-b, 1040, 1044,  
1046, 1051, 1052, 1053,  
1054, 1055, 1057, 1059, 1089

Form 10-10  
(Child Protective– Order of Fact-finding,  
Disposition and Permanency Hearing)  
6/2016

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

FAMILY FILE #:  
CIN #

(A) Child (ren) under Eighteen Years  
of Age Alleged to be  
Abused Neglected by

Docket No.

ORDER OF FACT-FINDING AND  
DISPOSITION (AND PERMANENCY HEARING)

.....  
Respondent(s)

Abuse Neglect  
Severe Abuse Repeated Abuse

**NOTICE: WILLFUL FAILURE TO OBEY THE TERMS AND CONDITIONS OF THIS ORDER  
MAY RESULT IN COMMITMENT TO JAIL FOR A TERM NOT TO EXCEED SIX  
MONTHS.**

**IF YOUR CHILD(REN) STAY 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 SEVERE OR REPEATED ABUSE IS PROVEN BY  
CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE  
BASIS TO TERMINATE YOUR PARENTAL RIGHTS. IF THE PETITION IS  
GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD(REN) AND YOUR  
CHILD(REN) MAY BE ADOPTED WITHOUT YOUR CONSENT.**

**THE NEXT COURT DATE IS [specify date/time]:**

**THE NEXT PERMANENCY HEARING SHALL BE HELD ON [SPECIFY DATE/TIME]:<sup>1</sup>**

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<sup>1</sup> If a combined dispositional/permanency hearing was held and the child(ren) have been placed, specify a date certain not more than six months from the completion of the hearing. If solely a dispositional hearing was held, specify a date, in most cases the previously-scheduled date, not more than eight months from date of removal of child(ren) from home. No date needs to be set if: (I) the petition is dismissed; or (ii) the child(ren) have not been removed from home; or (iii) have been finally discharged from care; or (iv) custody or guardianship was ordered pursuant to Family Court Act Article 6. If the child(ren) have been placed and the child(ren) have a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling's or half-sibling's permanency hearing, unless the sibling or half-sibling

The petition of [specify]: \_\_\_\_\_ under Article 10 of the Family Court Act, sworn to on [specify date]: \_\_\_\_\_, having been filed in this Court alleging that the above-named Respondent(s) [check applicable box(es)]: neglected abused severely abused repeatedly abused the above-named child; and

Notice having been duly given to the Respondent(s) pursuant to section 1036 or 1037 of the Family Court Act; and [Include separate paragraphs for each Respondent, as necessary]:

Respondent [specify]: \_\_\_\_\_ having:  
appeared with counsel without counsel waived counsel not appeared ;  
not appeared after service not appeared but service could not be made after every reasonable effort had been made to effect service not appeared but counsel appeared;

Respondent [specify]: \_\_\_\_\_ having:  
appeared with counsel without counsel waived counsel not appeared ;  
not appeared after service not appeared but service could not be made after every reasonable effort had been made to effect service not appeared but counsel appeared;

And Respondent [specify]: \_\_\_\_\_ having:  
voluntarily, intelligently and knowingly admitted in open court that (s)he committed the following act(s) [specify]:  
denied the allegations of the petition and the matter having duly come on for a fact-finding hearing before this Court ;  
failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;  
voluntarily, intelligently and knowingly consented to the entry of an order of fact- finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, Child(ren)'s attorney and all other parties having consented to the entry of such order of fact-finding as well;

And Respondent [specify]: \_\_\_\_\_ having:  
voluntarily, intelligently and knowingly admitted in open court that (s)he committed the following act(s) [specify]:  
denied the allegations of the petition and the matter having duly come on for a fact-finding hearing before this Court ;

failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;  
voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, Child(ren)'s attorney and all other parties having consented to the entry of such order of fact-finding as well;

And where the parent(s ) of the above-named child(ren) are not the Respondent(s),

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was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption.

the parent(s) were: present at the hearing and participated as interested party-intervenor(s);  
served with a notice and copy of the petition but did not appear;  
were not served with a notice or copy of the petition and did not appear;  
although  
every reasonable effort had been made to effect service;

And the child(ren) having been represented by (an) attorney(s);

And the following other interested party-intervenors were present and participated in the hearing  
[specify name(s) and relationship(s) to child(ren)]:

**[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;

**And the Court, after** [check box]

hearing the proof and testimony offered in relation to the case;

OR

accepting the consent of the Respondent, Petitioner and Child(ren)'s attorney to the entry of an order of  
finding without admission, pursuant to Family Court Act §1051(a);

OR

accepting the admission by Respondent [specify]: ;  
and having found [check applicable box(es) and specify act(s) of child abuse and/or neglect found, if any,  
with respect to each child]:

by a preponderance of the evidence that Respondent [specify]:  
committed the following acts constituting child neglect child abuse [specify act(s),  
including name(s) of the child(ren), the Penal Law section, if applicable, and grounds for determination]:

by a preponderance of the evidence that Respondent [specify]:  
committed the following acts constituting child neglect child abuse [specify act(s), including  
name(s) of the child(ren), the Penal Law section, if applicable, and grounds for determination]:

**[Applicable only where severe or repeated abuse was alleged and Respondent was so advised]:**

by clear and convincing evidence that Respondent [specify]:  
severely repeatedly abused the child(ren) by committing the following acts(s) [specify act(s),  
including the name(s) of the child(ren), the Penal Law section, if applicable; and grounds for  
determination]:

by clear and convincing evidence that Respondent [specify]:  
severely repeatedly abused the child(ren) by committing the following acts(s) [specify act(s),

including the name(s) of the child(ren), the Penal Law section, if applicable; and grounds for determination]:

**And the matter having thereafter duly come on for a [check applicable boxes]:**

**DISPOSITIONAL HEARING ;**  **PERMANENCY HEARING** before the Court,

**[Applicable only where hearing was heard jointly with hearing of Family Court Act Article 6 custody or guardianship petition, pursuant to Family Court Act §1055-b; CHECK BOX if applicable]:**

**And the hearing having been heard jointly with the**  **custody**  **guardianship petition,**  
**Docket # [specify]:**

**[Applicable only to combined dispositional/permanency hearing; check box(es) if applicable]:**

**And the following person(s) were given notice of the permanency hearing and appeared as indicated below [specify; check applicable boxes]:**

Child(ren)'s Attorney [specify]:	given notice	appeared	did not appear
Prospective adoptive parent(s)[specify]:	given notice	appeared	did not appear
Foster parent(s)[specify]:	given notice	appeared	did not appear
Relative(s)[specify]:	given notice	appeared	did not appear
Non-respondent parent(s)[specify]:	given notice	appeared	did not appear
Other [specify]:	given notice	appeared	did not appear

And the following child(ren) having [check applicable box(es)]:

- Child:       appeared     participated as follows [specify]:  
                    did not participate because:  waived     unavailable     other [specify]:
- Child:       appeared     participated as follows [specify]:  
                    did not participate because:  waived     unavailable     other [specify]:
- Child:       appeared     participated as follows [specify]:  
                    did not participate because:  waived     unavailable     other [specify]:

And notice of the permanency hearing having been sent not less than 14 days in advance of the hearing to the following former foster parents, who provided care for the child(ren) in excess of one year [specify]:

And the Court hearing dispensed with notice to the following former foster parent(s) [specify]:  
as contrary to the to the child(ren)'s best interests;

**And the matter having duly come on to be heard, and the above-named persons appearing having been given notice and an opportunity to be heard, as indicated above, and the Court having considered the position and information provided by the [check applicable box(es)]:**

NYS Office of Children and Family Services      local department of social services;

And the child(ren) having been represented by (an) attorney(s) and the Court having had age-appropriate consultation and considered the position of the child(ren) regarding the permanency plan;

[Applicable if child 16 or older has Alternative Planned Permanent Living Arrangement (APPLA) goal; check box if applicable]: And the child having communicated directly with the Court regarding the permanency plan;

**The Court, after having made an examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions, and capacities of the persons involved, finds and determines the following:**

**[Required findings in cases where the child(ren), who had/have NOT been ordered removed earlier in the case, is/are ordered removed; otherwise, skip I and II and go to III]:**

**The Court finds and determines that:**

**I. Required “Best Interests” and “Reasonable Efforts” Findings for Newly-removed Child(ren)**

[check applicable boxes and provide case-specific reasons in both A and B, below]:

A. Continuation of the child(ren) in, or return of the child(ren) to, the child(ren)'s home would  would not  be contrary to the best interests of the child(ren) because [specify facts and reasons]:

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

- Petition
- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home, and, if the child(ren) was/were removed without court order prior to the date of this hearing, to return them 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 because of a judicial finding that the Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:

were not made.

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

- Petition
- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:

Testimony of [specify]:

Other [specify]:

**II. Findings Regarding Alternatives to Placement in Foster Care:**

**A. Based upon the investigation conducted by the Commissioner of Social Services, including a review of records in accordance with section 1017 of the Family Court Act,**

[Check applicable box(es):

The following person [specify]: \_\_\_\_\_ is a \_\_\_\_\_ non-respondent parent legal custodian<sup>2</sup> or guardian relative suitable person with whom the child(ren) may appropriately reside.

**[Applicable to non-respondent parent]:** Such non-respondent parent: \_\_\_\_\_ wishes the child(ren) to be released to him/her during the pendency of an order pursuant to section 1054 of the Family Court Act. \_\_\_\_\_ wishes to be granted an order of custody, pursuant to a proceeding under Article 6 of the Family Court Act and has filed a petition, Docket # \_\_\_\_\_, which [check applicable box]: \_\_\_\_\_ is being heard jointly with this proceeding; \_\_\_\_\_ is scheduled to be heard on [specify date]: \_\_\_\_\_

**[Applicable to legal custodian or guardian]:** Such legal custodian or guardian: \_\_\_\_\_ wishes the child(ren) to be released to him/her during the pendency of an order pursuant to section 1054 of the Family Court Act.

**[Applicable to relatives and other suitable persons]:** Such person: \_\_\_\_\_ seeks approval as a foster parent in order to provide care for the child(ren); \_\_\_\_\_ wishes to provide care and custody for the child(ren) without foster care subsidy during the pendency of an order pursuant to section 1055 of the Family Court Act. \_\_\_\_\_ wishes to be granted an order of custody, pursuant to a proceeding under Article 6 of the Family Court Act and has filed a petition, Docket # \_\_\_\_\_, which [check applicable box]: \_\_\_\_\_ is being heard jointly with this proceeding; \_\_\_\_\_ is scheduled to be heard on [specify date]: \_\_\_\_\_

\_\_\_\_\_ wishes to be appointed guardian pursuant to a proceeding under Article 6 of the Family Court Act and has filed a petition, Docket # \_\_\_\_\_, which [check applicable box]: \_\_\_\_\_ is being heard jointly with this proceeding; \_\_\_\_\_ is scheduled to be heard on [specify date]: \_\_\_\_\_.

There is no non-respondent parent, legal custodian or guardian or relative or suitable person with whom the child(ren) may appropriately reside.

**B. [Required]: Imminent risk to the child(ren)** \_\_\_\_\_ would \_\_\_\_\_ would not be eliminated by the issuance of a temporary order of protection or order of protection directing the removal of [specify]: \_\_\_\_\_

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<sup>2</sup>“Legal custodian” refers to an individual with an order of custody issued prior to, and separate from, the child protective proceeding. A release to such an individual is distinguished from a child placed in the custody of an individual pursuant to an order of custody issued under Article 6 and section 1055-b of the Family Court Act. Such a custody order results in the termination of all orders and continuing jurisdiction under Article 10 of the Family Court Act and would not be deemed a “release” of the child.

from the child(ren)'s residence.

**III. Required Findings Regarding Efforts to Further Permanency Plan [Required if hearing was combined dispositional/permanency hearing; if not, skip to IV]:**

**A. Reasonable Efforts to Return the Child(ren) Home [Required where permanency plan is reunification]:**

Where the child(ren) were removed from the home, reasonable efforts, where appropriate, to return the child(ren) 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 because of a judicial finding that the authorized agency was not required to make reasonable efforts to reunify the child(ren) with the parent(s) [specify date of finding]:

were not made.

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

- Permanency Report, sworn to on [specify date]:
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

**B. Reasonable Efforts to Further Plan Other than Reunification [Required in cases in which the child(ren)'s permanency plan is adoption, guardianship or permanent living arrangement other than reunification with the parent(s) or other person(s) legally responsible for the child(ren)'s care]:** Reasonable efforts to make and finalize the permanency planning goal of [specify]:

were made as follows [specify reasonable efforts, including consideration of out-of-State resources; indicate specific documents or evidence supporting findings]:

were not made.

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

- Permanency Report, sworn to on [specify date]:
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

**IV. Required Findings regarding all releases of child(ren) to Respondent(s), Non-respondent parents or legal custodians or guardians and orders of direct placement with relative(s) or suitable person(s); check applicable box(es)**

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court’s warrant and child protective records, and having notified the attorneys for the parties and for the child [check if applicable]: “ and the following self-represented party or parties [specify]: of the results of these searches;

And the Court having considered and relied upon the following results of these searches in making this decision [specify; if no results found, so indicate]:

**V. Required Findings Regarding Transitional Services and Out-of-State Placements:**

**[Required regarding child(ren) who will reach 14 years of age before the next permanency hearing]:** The services, if any, needed to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood are [specify]:

**OR**

The Court finds that NO services or assistance are needed to assist the child(ren) to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood.

**[Required regarding child(ren) placed outside New York State]:** Placement outside New York State is is not appropriate, necessary and in the child(ren)’s best interests;

**NOW therefore, upon findings made in the [check applicable box(es)]:  
fact-finding, dispositional, and permanency hearing(s);  
and upon all proceedings had herein, it is hereby**

**A. Order of Fact-finding or Dismissal:**

ADJUDGED that facts sufficient to sustain the petition herein have have not been established, in that [specify]:

; and it is hereby

**[Check all applicable box(es); if different findings were made for each child(ren), list each child and finding separately]:**

ADJUDGED that the above-named child(ren) (is) (are)

neglected  abused  severely abused  repeatedly abused,  
as defined in section 1012 of the Family Court Act by [specify Respondent(s)]:

**OR**

ORDERED, that the petition filed herein be DISMISSED.

**B. Order of Disposition [Applicable where one or more children have been adjudicated neglected, abused, severely abused or repeatedly abused; check all applicable box(es)]:**

And the Court, having considered the best interests and safety of the child(ren), including whether the child(ren) would be at risk of abuse or neglect if returned to the parent(s) or other person(s) legally responsible, hereby orders the following:

**ORDERED that judgment against the Respondent(s) is hereby suspended for a period of [specify]: months upon the following terms and conditions:**<sup>3</sup>

**ORDERED that the child(ren) (is) (are) released to the Respondent(s) [specify]: pursuant to section 1057 of the Family Court Act.**

**ORDERED** that the release shall be for following period of time [specify period up to one year from the date of this order]:<sup>4</sup>

**ORDERED** that during the period of release, the following respondent parent(s)[specify]: shall shall not be under the supervision of a child protective agency, social services official, or duly authorized agency pursuant to section 1057 of the Family Court Act; upon the following terms and conditions to be met by Respondent(s) [specify]:

upon the terms and conditions specified in the annexed Family Treatment Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

upon the provision by the child protective agency, social services official or duly authorized agency of the following services or assistance to the child(ren) and their family, pursuant to section 1015-a of the Family Court Act [specify]:<sup>5</sup>

**OR**

**ORDERED that the child(ren) (is) (are) released to the following non-respondent parent or legal custodian or guardian [specify]: pursuant to section 1054 of the Family Court Act.**

**ORDERED** that the release shall be for following period of time [specify period up to one year from the date of this order]:<sup>6</sup>

**ORDERED** that, during the period of release, the non-respondent parent or legal

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<sup>3</sup> An order of suspended judgment may NOT be combined with an order of placement or an order releasing child(ren) to a parent under supervision.

<sup>4</sup> The total period of release may not exceed one year plus an extension of up to one year for good cause.

<sup>5</sup> Services and assistance ordered under F.C.A. §1015-a must be authorized under the comprehensive annual services program plan in effect.

<sup>6</sup> The period of release may not exceed one year plus an extension for good cause so that the total period of the release and extension thereof may not exceed two years.

custodian or guardian, who have submitted to the jurisdiction of the Court with respect to the child(ren), shall cooperate with respect to making the child(ren) available for court-ordered visitation with respondents, siblings and others, appointments with the child(ren)'s attorneys and clinicians and other individuals or programs providing services to the children, visits (including home visits) by the child protective agency and the following additional direction(s) [specify]:

**ORDERED** that during the period of release, the following respondent parent(s)[specify]:

shall shall not be under the supervision of a child protective agency, social services official, or duly authorized agency pursuant to section 1057 of the Family Court Act:

upon the following terms and conditions to be met by Respondent(s) [specify]:

upon the terms and conditions specified in the annexed Family Treatment Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

upon the provision by the child protective agency, social services official or duly authorized agency of the following services or assistance to the child(ren) and their family, pursuant to section 1015-a of the Family Court Act [specify]:<sup>7</sup>

**OR**

**ORDERED that, pursuant to Family Court Act §1055, the child(ren) (is) (are) placed directly with [specify relative or other suitable person]:** until the completion of the next permanency hearing, scheduled for the date certain indicated in this order, subject to the further orders of this Court, for the following reasons [specify]:

**ORDERED** that, during the pendency of the placement, the relative or suitable person, who has submitted to the jurisdiction of this Court with respect to the child(ren), shall cooperate with respect to making the child(ren) available for court-ordered visitation with respondents, siblings and others, appointments with the child(ren)'s attorneys and clinicians and other individuals or programs providing services to the children, visits (including home visits) by the child protective agency and the following additional direction(s) [specify]:

**ORDERED** that during the period of such placement, Respondent(s)[specify]: are to remain under the supervision of a child protective agency, social services

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<sup>7</sup> Services and assistance ordered under F.C.A. §1015-a must be authorized under the comprehensive annual services program plan in effect.

official, or duly authorized agency:

upon the following terms and conditions to be met by Respondent(s) [specify]:

upon the terms and conditions specified in the annexed Family Treatment Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

**ORDERED** that the child protective agency, social services official or duly authorized agency shall provide the following services or assistance to the child(ren) and their family, pursuant to section 1015-a of the Family Court Act [specify]:<sup>8</sup>

**OR**

**ORDERED that the child(ren) (is) (are) placed in the custody of the Commissioner of Social Services of [specify]: County,**

[Check box(es), if applicable]:

to reside with [specify authorized agency or facility, if any]:

to reside in foster care with [specify relative or other suitable person]:<sup>9</sup>

until the completion of the next permanency hearing, scheduled for the date certain indicated in this order, subject to the further orders of this Court, for the following reasons [specify]:

**ORDERED** that during the period of such placement, Respondent(s)[specify]: are to remain under the supervision of a child protective agency, social services official, or duly authorized agency:

upon the following terms and conditions to be met by Respondent(s) [specify]:

upon the terms and conditions specified in the annexed Family Treatment Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

**ORDERED** that the child protective agency, social services official or duly authorized agency shall provide the following services or assistance to the child(ren) and their family,

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<sup>8</sup> Services and assistance ordered under F.C.A. §1015-a must be authorized under the comprehensive annual services program plan in effect.

<sup>9</sup> The relative or suitable person must be approved or certified as a foster parent.

pursuant to section 1015-a of the Family Court Act [specify]:<sup>10</sup>

**ORDERED** that the Commissioner of Social Services is authorized to discharge the child(ren) from the Commissioner’s care to the parent without further court hearing, provided that written notice is provided to the Court and child(ren)’s attorney not less than 10 days in advance of the discharge.

**AND IT IS FURTHER ORDERED** that [specify Respondent(s) or other person(s) before the court]: is required to comply with the terms and conditions specified in the order of protection, issued pursuant to Family Court Act §1056, annexed to this order and made a part thereof.

**Releases and Direct Placements: [Applicable to all releases of child(ren) to Respondent(s), Non-respondent parents or legal custodians or guardians and placements of child(ren) directly with relative(s) or suitable person(s); check applicable box(es)]:**

**IT IS FURTHER ORDERED** that, during the period of release or direct placement, as applicable the individual to whom the child(ren) have been released or with whom the child(ren) have been placed under this Order may [check applicable box(es)]:

- enroll the child(ren) in public school in the applicable school district and, upon verifying the Order and that the individual resides within the district, such district shall enroll the child(ren);
- enroll the child(ren) in their employer-based health insurance plan with the same rights as child(ren) for whom the individual is the legal guardian or custodian; and
- make decisions and provide any necessary consents regarding the child(ren)’s:
  - protection
  - education
  - care and control
  - physical custody
  - health and medical needs, provided that this Order does not limit any rights of the child(ren) to consent to medical care under applicable laws.

**Trial Discharges: Restrictions and Extensions [Applicable to child(ren) placed with the Commissioner of Social Services]:**

[Check box if applicable]:<sup>11</sup> **ORDERED** that the Commissioner of Social Services may discharge the child(ren) on a trial basis or continue such a discharge until the earlier of the completion of the next Permanency Hearing or further Order of the Court may not discharge the child(ren) on a trial basis to the physical custody of Respondent [specify]:  
may only discharge the child(ren) on a trial basis to the physical custody of Respondent [specify]: , upon the following event(s) or condition(s)  
[specify]:

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<sup>10</sup> Services and assistance ordered under F.C.A. §1015-a must be authorized under the comprehensive annual services program plan in effect.

<sup>11</sup> If neither box is checked, the Commissioner is authorized to discharge the child(ren) on a trial basis to the Respondent(s), with the legal care and custody remaining with the Commissioner. Permanency hearings must be scheduled and held in all trial discharge cases. If the child(ren) is/are 18 years of age or older, the child(ren) must consent to any trial discharge.

**[Applicable to child(ren) aging out of foster care; check box if applicable]:<sup>12</sup>**

**ORDERED** that the Commissioner of Social Services

may not discharge the child(ren) on a trial basis to another planned permanent living arrangement;

may only discharge the child(ren) on a trial basis to the following planned permanent living arrangement [specify, including significant connections to an adult willing to be a permanent resource]:

upon the following event(s) or condition(s) [specify]:

**[Applicable to children 18 and over who will be discharged on a trial basis with their consent]:**

The Commissioner of Social Services:

shall discharge the child(ren) on a trial basis

shall continue or extend the trial discharge of the child(ren)

may continue or extend the trial discharge of the child(ren)

to another planned permanent living arrangement other [specify]:

until the earlier of the next permanency hearing, further Order of the Court OR the child(ren)'s 21<sup>st</sup> birthday(s).

Youth 18 and over discharged on a trial basis shall inform the local department of social services of any change in mailing address and contact information.

**[Applicable to all placements pursuant to Family Court Act §1055]:**

**ORDERED** that if the children abscond from the above-named custodial person or facility, written notice shall be given within 48 hours to the Clerk of Court by the custodial person or by an authorized representative of the facility, stating the name of the child(ren), the docket number of this proceeding, and the date on which the child(ren) ran away.

**ORDERED** that [specify]: \_\_\_\_\_, a social services official a duly authorized agency, undertake diligent efforts to encourage and strengthen the parental relationship, including encouraging and facilitating visiting with the child(ren) by the parent or other person legally responsible, and encourage and facilitate visiting with the child(ren) by any non-custodial parent or grandparent who has obtained an order pursuant to F.C.A. §1081 and by the child(ren)'s siblings. Such efforts shall include, but are not limited to, the following [specify]:

**ORDERED** that the Commissioner of Social Services authorized agency [specify]: \_\_\_\_\_ is directed to file termination of parental rights petitions regarding the following child(ren)[specify]: \_\_\_\_\_ against the following respondent(s) [specify]: \_\_\_\_\_ within 90 days of the entry of this order.

**ORDERED** that the Commissioner of Social Services shall investigate whether there are any

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<sup>12</sup> If neither box is checked, the Commissioner is authorized to discharge child(ren), who are 16 years of age or older, on a trial basis to another planned permanent living arrangement, with the legal care and custody remaining with the Commissioner. Permanency hearings must be scheduled and held in all trial discharge cases. If the child(ren) is/are 18 years of age or older, the child(ren) must consent to any trial discharge.

non-respondent parent(s), grandparent(s), other relative(s) or other suitable person(s) with whom the child(ren) may appropriately reside, including, but not limited to [specify]:  
 ; shall inform them of the pendency of the proceeding; shall ascertain whether such non-respondent parent(s) wish to seek release or custody of the child(ren) or whether such grandparent(s), relative(s) or other suitable person(s) wish to seek approval as foster parent(s) in order to provide care for the child(ren) or wish to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein; and shall report the results of such investigation to the court and parties, including the attorney for child and shall record the results of such investigation in the child(ren)'s Uniform Case Record;

**ORDERED** within 24 hours of this order, the Commissioner of Social Services shall commence an investigation to identify and locate any non-respondent parent(s), inform them of the pendency of the proceeding and of the opportunity for seeking release or custody of the child(ren) , record the results of such investigation in the child's Uniform Case Record and report the results of the investigation to the Court, all parties and counsels, including the child(ren)'s attorney, forthwith. Such search shall also include, but not be limited to, a person not recognized as a legal parent of the child(ren) but who has filed an instrument pursuant to section 4-1.2 of the Estates, Powers and Trusts Law acknowledging paternity with the putative father registry, has a pending paternity petition or has been identified as a parent by the other parent in a written, sworn statement. Such search shall include, but not be limited to, the following person(s) [specify, if known]:

**ORDERED** within 24 hours of this order, the Commissioner of Social Services shall commence an investigation of the following relatives or other suitable persons as foster parents and thereafter approve such person(s) to be foster parents, if qualified, and, if not, to report such fact to the Court, all parties and counsels, including the child(ren)'s attorney, forthwith [specify]:

**ORDERED** that the child(ren) is/are directed to be placed together with the following siblings or half-siblings [specify]:

**ORDERED** that the Commissioner of Social Services is directed to investigate the appropriateness of placing the child(ren) with the following siblings or half-siblings [specify]:

**[Applicable where dispositional hearing is heard jointly with custody or guardianship hearing under Article 6 of the Family Court Act in accordance with Family Court Act §1055-b]:**

**Custody with Non-respondent parent(s):**

The Court having adjudged that custody of the following child(ren)[specify]:  
 with the following non-respondent parent [specify]: is in the best interests of the child(ren) in accordance with Article 6 of the Family Court Act and Domestic Relations Law §240, **IT IS, THEREFORE, ORDERED** that such non-respondent parent is granted custody of : pursuant to an Order of custody granted on Docket # , dated:  
 , thereby terminating the jurisdiction of this Court over this Article 10 proceeding and terminating placement with the local Commissioner of Social Services.

**OR**

**Custody with Respondent(s), relative(s) or suitable persons; guardianship with relative(s) or**

**suitable person(s):**

The Court having adjudged that [Note: Findings are REQUIRED under (I) and (ii), below]:

(i) [Check one of the following boxes]:

all parties, including the attorney of the child(ren) and any foster parent who has had custody of the child(ren) in excess of one year, have consented to such custody or guardianship;

**OR**

the following parent(s)[specify]: \_\_\_\_\_ have not consented but this Court has found extraordinary circumstances supporting custody or guardianship;

**AND**

(ii) custody of the following child(ren)[specify]: \_\_\_\_\_ with [specify respondent parent(s)]: \_\_\_\_\_

will provide a safe and permanent home for the child(ren) and the safety of the child(ren) will not be jeopardized if the respondent(s) are no longer under the jurisdiction of this Court on this petition and are not receiving services or supervision;

**OR**

custody guardianship of the following child(ren)[specify]: \_\_\_\_\_ with by [specify relative(s) or suitable person(s)]: \_\_\_\_\_ will provide a safe and permanent home for the child(ren) and the safety of the child(ren) will not be jeopardized if the respondent(s) are no longer under the jurisdiction of this Court on this petition and are not receiving services or supervision;

**AND**

**IT IS, THEREFORE ORDERED** that [specify Respondent, relative(s) or suitable person(s)]: \_\_\_\_\_ is/are granted custody of [specify child(ren)]: \_\_\_\_\_ pursuant to an Order granted on Docket # [specify]: \_\_\_\_\_, dated [specify]: \_\_\_\_\_ thereby terminating the jurisdiction of this Court over this proceeding;

**OR**

**IT IS, THEREFORE ORDERED** that [specify relative(s) or suitable person(s)]: \_\_\_\_\_ is/are appointed guardian(s) of [specify child(ren)]: \_\_\_\_\_ pursuant to an Order granted on Docket # [specify]: \_\_\_\_\_, dated [specify]: \_\_\_\_\_ thereby terminating the jurisdiction of this Court over this proceeding;

**AND IT IS FURTHER ORDERED** that the following local department of social services [specify]: \_\_\_\_\_ and the following attorney for the child(ren)[specify]: \_\_\_\_\_ shall be notified and shall be made parties to any subsequent proceedings for modification, enforcement or termination of the Order granted on such Docket #;

**[Applicable in abandonment cases involving children under one year of age]:**

And the Court having adjudged that the following child(ren)( is)(are) under the age of one year [specify]: \_\_\_\_\_ ; and (has) (have) been abandoned by the parent(s) person(s) legally responsible for the care of the child(ren) for a period of [specify]: \_\_\_\_\_ ; and that such parent(s) or person(s) legally responsible for the care of the child(ren) did not appear after due notice, it is, therefore,

**ORDERED** that the Commissioner of Social Services of [specify]: \_\_\_\_\_ County, shall

[check applicable box(es)]:

promptly commence a diligent search to locate the child(ren)'s parents or other known relatives legally responsible for the child(ren);  
 commence a proceeding to commit custody and guardianship of the child(ren) to an authorized agency pursuant to Section 384-b of the Social Services Law six months from the date care and custody was transferred to the Commissioner, unless there has been communication and visitation between such child(ren) and (his)(her)(their) parents.  
 provide written notice, as required by Family Court Act §1055 (b)(vii)(B), to the child(ren)'s parents in the manner required for service of process pursuant to section 617 of such Act; and it is further

**[REQUIRED for all dispositions other than placement pursuant to Family Court Act §1055]**

**ORDERED** that, not later than 60 days prior to the expiration of this order, the Petitioner shall report to the Court, the attorney for the child(ren), the parties, their attorneys and the non-respondent parent(s), unless in the case of a release of the child(ren) a petition for extension of the period of supervision of Respondent and/or release of the child has been filed;<sup>13</sup> on the status and circumstances of the child(ren) and family and any actions contemplated, if any, by the agency with respect to the child(ren) and family; and it is further

**[Applicable to dispositions of release and/or supervision]:** **ORDERED** that, during the period of supervision and/or release, Petitioner shall submit progress reports to the Court, the parties and the attorney for the child as follows [specify]:

**Additional Requirements in Placement Cases:**

**[Applicable in all cases where child(ren) is/are placed with Commissioner of Social Services]:**

**1. Transitional Services [Applicable to children who will attain the age of 14 years of age or older prior to the next permanency hearing]:**

**ORDERED** that the Petitioner shall provide the following services and assistance to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood [specify]:

And it is further **ORDERED** that the permanency plan developed for the child(ren) in foster care and any revision or addition to the plan, shall be developed in consultation with the child(ren). The child(ren) may select up to two members of the child(ren)'s permanency planning team to participate, one of whom may be designated to be the child(ren)'s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child(ren); provided, however, that such members may not be foster parents of, or case workers, case planners or case managers for, the child(ren) and that the local commissioner of social services with custody of the child(ren) may reject an individual so selected by the child(ren) if such local commissioner has good cause to believe that the individual would not act in the best interests of the child(ren);

**2. Out-of-State Placement [Required for children placed out-of-state]:**

**ORDERED** that the placement of the child(ren) at [specify]: \_\_\_\_\_, is appropriate, necessary and in the child(ren)'s best interests and is continued until completion of the next permanency hearing scheduled for a date certain in this order;

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<sup>13</sup> Unless the Court determines that facts and circumstances do not warrant a report, a report 60 days prior to the expiration of the order is required where the extension is issued on consent of the parties and the attorney for the child and may be ordered in the Court's discretion in other cases. *See* Family Court Act §§1054(d); 1057(c).

is not appropriate, necessary and in the child(ren)'s best interests and the child(ren) shall, therefore, be returned to New York State to be placed with [specify]:  
 discharged to [specify]: ; (and it is further)

**3. Progress Reports and Notices:**

**ORDERED** that Petitioner shall make a progress report to the Court, the parties and the child(ren)'s attorney on the implementation of this order as follows [specify date and/or frequency]:  
 ; (and it is further)

**ORDERED** that if the above permanency plan for the above-named child(ren) is changed, notice shall be provided to the Court, the parties and the child(ren)'s attorney forthwith, (and it is further)

**4. Duty to Disclose Changes in Mailing Address [Required]**

**ORDERED** that the Respondent parent(s) or other person(s) legally responsible for the children's care are required to notify the local social services district or agency of any change of mailing address ; (and it is further).

**5. Planning Conferences [Required]**

**ORDERED** that the parent(s) other person(s) legally responsible for the children(s) care shall be notified of the planning conference(s) to be held and of (his)(her)right to attend such conference(s) with counsel or other person; (and it is further)

**6. Visiting Plans [Required]s**

**ORDERED** that Petitioner shall provide the parent other person(s) legally responsible for the child(ren)'s care with visits with the child as follows [describe visiting plan]:

and the parent(s) guardian(s) shall visit in accordance with the plan; (and it is further)

**ORDERED** that Petitioner shall provide the following sibling(s) [specify]:  
 with visits with the child(ren) as follows [describe visiting plan]:  
 ; (and it is further)

**7. Respondent Parents Who Are or Were Incarcerated or in Residential Substance Abuse Treatment** [check box(es) if applicable]:

The Commissioner of Social Services or authorized agency is directed to take the following steps [specify]:

to complete an assessment of whether the following respondent(s)[specify]:  
 maintain a meaningful role in the child(ren)'s life, based upon the criteria in Social Services Law §384-b(3)(1(v), to determine whether there is a compelling reason that the filing of a petition to terminate parental rights would not be in the child(ren)'s best interest.

**8. Native-American Child(ren)** [check box(es) if applicable]:

**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, this petition is DISMISSED WITHOUT PREJUDICE; (and it is further)

**C. Permanency Hearing Order: [Required where combined dispositional/permanency hearing has been held; not required if hearing was solely a dispositional hearing]:**

1. **ORDERED** that the permanency plan is:
  - reunification with the parent(s) other person(s) legally responsible for the child(ren)'s care by [specify date]:
  - placement for adoption, including consideration of interstate options::
    - upon filing a petition to terminate parental rights within 90 days;
    - termination of parental rights petition already filed.
  - referral for legal guardianship by [specify name and date]:
  - permanent placement with the following fit and willing relative [specify]:
    - by [specify date]:
  - [Applicable ONLY to child(ren) 16 years of age or older]:** permanent placement in the following alternative planned living arrangement [specify]:

**Required for permanency hearing involving a child(ren) 16 years of age or older with Alternative Planned Permanent Living Arrangement (APPLA) Goals [check applicable box(es) in ¶¶a - f ]:**

a. Evidence has been provided to the Court, indicating compelling reason(s) that it would not be in the child(ren)'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. These reasons are as follows [specify compelling reason(s)]:

b. Evidence has been provided to the Court, indicating that intensive, ongoing, and, as of the date of this Order, unsuccessful efforts were made to return the child(ren) home or secure a placement for the child(ren) 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 the child(ren).

c. Evidence has not been provided to the Court that a "reasonable and prudent parent" standard of care has been applied to the child(ren) in the facility or home in which he or she resides;

d. Evidence has not been provided to the Court that the child(ren) has/have 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 such activities;

e. The Court inquired directly of the child(ren) regarding the permanency plan.

f. The following individual, with whom the child(ren) has/have a significant connection, is willing and is designated to be the child(ren)'s permanency resource [specify]:

g. The Court has determined that APPLA with a significant connection to an adult willing to be a permanency resource for the child(ren) is the best permanency plan for the child(ren) because [specify]:

**[Applicable in all cases]: AND IT IS FURTHER ORDERED** that any modifications of the Permanency Goal shall be given by Petitioner to the parent(s) or other person(s) legally responsible for the child(ren)'s ; (and it is further)

2. **ORDERED** that Petitioner’s permanency plan for the above-named child(ren) is [check applicable box and indicate anticipated date for achievement]: approved without modification; anticipated date for achievement:[specify]: modified, as follows [specify, including anticipated date for achievement]: ; (and it is further)

3. **ORDERED** that the educational vocational components of the child(ren’s) permanency plan are appropriate should be modified as follows [specify]:

**ORDERED** that Petitioner shall take the following steps and/or provide the following services for the education, health and well-being of the child(ren) [specify]: ; (and it is further)

4. **ORDERED** that any modifications of the Permanency Hearing report shall be given by Petitioner to the parent(s) other person(s) legally responsible for the child(ren)’s care, along with a copy of this Order; (and it is further)

**D. Date Certain for Next Permanency Hearing [Required in all cases in which placement is ordered with the Commissioner of Social Services or with a relative or other suitable person]:**

**ORDERED that if the child(ren) remain(s) in foster care or in placement with a relative or other suitable person, the next permanency hearing shall be held on [specify date certain]:<sup>14</sup>**

**Petitioner shall transmit notice of the hearing and a permanency report no later than 14 days in advance of the above date certain to the Respondent and non-respondent parents, other parties, attorneys, the child(ren)’s attorney and any pre-adoptive parents or relatives providing care to the child(ren), and shall also transmit notice of the hearing to former foster parent(s) who have had care of the child(ren) in excess of 12 months , except [specify former foster parents for whom such notice would be contrary to child(ren)’s best interests, if any]:**

; (and it is further)

ORDERED

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,

<sup>14</sup> If a combined dispositional/permanency hearing was held and the child(ren) has/have been placed, specify a date certain not more than six months from the completion of the hearing. If solely a dispositional hearing was held, specify a date, in most cases the previously-scheduled date, not more than eight months from date of removal of child from home. No date needs to be set if : (I) the petition is dismissed; or (ii) the child(ren) has/have not been removed from home; or (iii) has been finally discharged from care; or (iv) custody or guardianship was ordered pursuant to Family Court Act Article 6. If the child(ren) has/have been placed and the child(ren) has/have a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling’s or half-sibling’s permanency hearing, unless the sibling or half-sibling was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption.

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]: \_\_\_\_\_