

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.

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

ORDER DIRECTING
DETENTION OF
CHILD
(Post-Petition)

Respondent.

A petition under Article 7 of the Family Court Act, sworn to on _____,
having been filed in this Court alleging that the above-named Respondent is a person in need of
supervision; and

Respondent having been brought before this Court and a preliminary hearing having
been held, this Court finds that [Note: judicial findings must be made under both I and II and, if
applicable, III and IV, below]:

I. Criteria for Detention [REQUIRED]:

Detention of the Respondent is necessary pursuant to Family Court Act §739 because there is a
substantial probability that Respondent will not appear in court on the return date, and there is
no substantial likelihood that the Respondent and his or her family will continue to benefit from
diversion services and all available alternatives to detention have been exhausted.

This determination is based upon the following facts and for the following reasons [specify]:

II. Required “Best Interests” and “Reasonable Efforts” Findings [REQUIRED; check applicable boxes and provide case-specific reasons in both A and B, below]:

- A. Continued placement in, or return to, the Respondent’s home [check applicable box]:
would be **contrary to the Respondent’s best interests**, based upon the following facts
and for the following specific reasons [specify]:

This determination is based upon the following specific documents and evidence:

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Case record, dated (specify):
- Testimony of [specify]:
- Other [specify]:

; AND

- B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of
the Respondent from the home, and, if the Respondent was removed prior to the date of
the hearing, to return the Respondent safely to his or her home:

- 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 Family Court Act §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]:

- were not made.

This determination is based upon the following specific documents and evidence:

- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Case record, dated (specify):
- Testimony of [specify]:
- Other [specify]:

III. Special Circumstances Findings [REQUIRED where Respondent is 16 years or older]:

- The following special circumstances warrant detention [specify]:

IV. Native-American child [Required if Respondent is Native-American; 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;

NOW, therefore, it is hereby

ORDERED that Respondent is remanded to _____, to be detained pending further proceedings herein on _____; and it is further

ORDERED that the custodial authority produce Respondent on that date subject to further order of this Court; and it is further

ORDERED that if the child absconds from the above-named facility, written notice shall be given within 48 hours by an authorized representative of the facility to the Clerk of Court, stating the name of the child, the docket number of this proceeding, the date on which the child absconded, and the efforts made to locate and secure the return of the child. *See* 22 N.Y.C.R.R. §205.64; and it is further

[Applicable Where Respondent is Native-American]:

- ORDERED that the following should be notified of this proceeding [specify]:
the custodian of the child; tribe/nation; United States Secretary of the Interior

ENTER

Judge of the Family Court

Dated: _____, _____.

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]: _____

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.