

New York State Family Court
County of _____
Hearing Date: _____

PRESENT:

Hon.
Judge

.....
In the Matter of

Docket No.
PERMANENCY HEARING
ORDER

CIN #

A Child or Children Under 21 Years of Age

Alleged to be Abused Neglected Voluntarily Placed
 Destitute

Respondent(s)
.....

NOTICE: 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 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 [date/time]: _____
THE NEXT PERMANENCY HEARING SHALL BE HELD ON [date/time]: _____

An order having been issued directing that the child(ren) be placed or removed from the parent or person legally responsible for the child(ren) ; and

This hearing having been heard jointly with the custody guardianship petition,
Docket #: _____ ;

And the position and information provided by the local department of social services, as well as that of the child(ren) and others appearing before the Court, having been considered by the Court;

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

Child: appeared participated as follows [specify]:
 did not participate

Child: appeared participated as follows [specify]:
 did not participate

Child: appeared participated as follows [specify]:
 did not participate

¹ Note: If permanency planning goals, findings or other provisions of this order differ for different children, a separate permanency order for each child should be issued.

Reasonable Efforts Determination

The Court makes the following findings regarding **reasonable efforts to implement the permanency hearing goal in place at the commencement of this hearing:**

Reasonable efforts to make and finalize the permanency planning goal of **[return to parent, adoption, guardianship, permanent placement with a fit and willing relative, or placement in another planned permanent living arrangement]**[specify]: _____

were made as follows [specify reasonable efforts, including consideration of out-of-State resources:] _____

were not made [specify]: _____

The permanency goal is reunification and reasonable efforts were not made, but the lack of efforts was appropriate because of a prior judicial finding that the authorized agency was not required to make reasonable efforts to reunify the child(ren) with the parent(s).

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: _____
- Testimony of [specify]: _____, (on _____)
- Other [specify]: _____

Findings and Orders

THE COURT ORDERS that:

PLACEMENT OR TEMPORARY REMOVAL IS TERMINATED:

And the child(ren) (is) (are) discharged to the custody of the respondent(s)

Immediately or on [specify date]: _____

without supervision with supervision of a child protective agency, social services official, or duly authorized agency until: _____

upon the following terms and conditions: _____

THE CHILD(REN) IS/ARE PLACED OR CONTINUE(S) TO BE PLACED in the custody of the Commissioner of Social Services until the completion of the next permanency hearing or pending further orders of this court. The Court finds that continued placement or temporary removal of the child(ren) is required due to best interests and safety needs of the child(ren) and that the child(ren) would be at risk of further abuse or neglect if returned to the parent/respondent.

- [Applicable if placement is for residence with a relative or other suitable person]: And the child(ren) shall reside with [specify relative or other suitable person]²: _____
- And during the period of such placement, respondent(s)[specify]: _____ shall remain under the supervision of a child protective agency, social services official, or duly authorized agency
- upon the following terms and conditions: _____

THE CHILD(REN) IS/ARE DIRECTLY PLACED OR CONTINUE(S) TO BE DIRECTLY PLACED pursuant to Family Court Act §1055(a)(ii), with [specify relative or suitable person]: _____ until the completion of the next permanency hearing or further orders of this court. The Court finds that continued placement or temporary removal of the child(ren) is required due to best interests and safety needs of the child(ren) and that the child(ren) would be at risk of further abuse or neglect if returned to the parent/respondent.

THE CHILD(REN) IS/ARE RELEASED, pursuant to Family Court Act §1054, to [specify non-respondent parent, legal custodian³ or guardian]: _____ until [specify date]:⁴ or further orders of this court.

ORDERED that, during the period of release, the individual to whom the child has been released under this Order may [check applicable box(es)]:

- enroll the child 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;
- enroll the child in their employer-based health insurance plan with the same rights as a child for whom the individual is the legal guardian or custodian; and
- make decisions and provide any necessary consents regarding the child's:
 - protection
 - education
 - care and control
 - physical custody
 - health and medical needs, provided that this Order does not limit any rights of the child to consent to medical care under applicable laws.

REQUIRED WHERE CHILD(REN) ARE DIRECTLY PLACED OR RELEASED:
[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

² The relative or suitable person must be approved or certified as a foster parent.

³ “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 or 1089-a of the Family Court Act. Such a custody order results in the termination of all orders under Article 10 of the Family Court Act, would not be deemed a “release” of the child and would thus not be the subject of a permanency hearing.

⁴ 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.

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]:

ORDERED that, during the pendency of the placement or release, the relative or suitable person with whom the child(ren) has/have been placed or the non-respondent parent, legal custodian or guardian to whom the child(ren) has/have been released , who has consented to the jurisdiction of this Court with respect to the child, 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 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]:⁵

□ PERMANENCY HEARING HELD JOINTLY WITH CUSTODY OR GUARDIANSHIP HEARING, PURSUANT TO FAMILY COURT ACT §1089-a:

[Applicable to custody with non-respondent parents]:

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

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

Relations Law §240, **ORDERED** that such non-respondent parent is granted custody of [specify child(ren)]: _____ pursuant to an Order of custody granted on Docket # _____, dated: _____, thereby terminating the jurisdiction of this Court over this permanency proceeding and terminating custody with the local Commissioner of Social Services.

OR

[Applicable to 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 #;

AND THE COURT FURTHER ORDERS:

FINAL DISCHARGE

The Commissioner of Social Services is authorized to FINALLY 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 attorney for the child(ren) not less than 10 days in advance of the discharge.

TRIAL DISCHARGE: RESTRICTIONS AND EXTENSIONS

The Commissioner of Social Services⁶ 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(s):

may only discharge the child(ren) on a trial basis to the physical custody of respondent(s) upon the following event(s) or condition(s):

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): _____

; (and it is further)

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

The Commissioner of Social Services shall discharge the youth on a trial basis shall continue the discharge of the youth may continue or extend the trial discharge of the youth to another planned permanent living arrangement other [specify]: until the earlier of the next permanency hearing, further Order of the Court OR 21st birthday(s) of the youth.

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.

ABSCONDING [Required if child(ren) in placement]:

⁶ Note: during a period of trial discharge, legal care and custody remains with the Commissioner and permanency hearings must be held. Youth 18 years of age or older must consent to any trial discharge.

If the child(ren) abscond(s) 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.

ORDER OF PROTECTION:

[Specify respondent(s) or other person(s) before the court]: _____
 (is)(are) 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.

Permanency Goal

The Petitioner’s permanency goal for the child(ren) which has already been achieved or is to be achieved by: the next permanency hearing date or [specify date]: _____ is

approved modified as follows:

- reunification with the parent(s) other person(s) legally responsible for the child(ren)’s care
- placement for adoption, including consideration of interstate options
 - upon filing a petition to terminate parental rights within 90 days, unless a surrender has been executed;
 - pending a parental rights termination petition already filed;
 - upon judicial approval of surrender instrument;
- referral for legal guardianship by: _____
- permanent placement with the following fit and willing relative: _____
- [Applicable ONLY to children 16 years of age or older]: permanent placement in the following alternative planned living arrangement: _____

Required for all children 16 years of age or older with Alternative Planned Permanent Living Arrangement (APPLA) Goals [check applicable box(es) in ¶¶a - f]:

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]: 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 care, with a copy of this Order.

Future Reasonable Efforts Ordered by the Court

The following reasonable efforts shall be made to make and finalize the child(ren)'s goal of [specify goal and describe efforts]: _____

Petitioner shall plan concurrently for _____

EDUCATIONAL PLAN (child(ren) remaining in out of home care):

The educational vocational components of the child(ren)'s permanency plan are appropriate should be modified as follows: _____

The Petitioner shall take the following steps and/or provide the following services for the education, health and well-being of the child(ren): _____

STRENGTHENING PARENTAL RELATIONSHIP:

The local social services district or authorized agency shall undertake diligent efforts to encourage and strengthen the parental relationship, including encouraging and facilitating visitation with the child(ren) by the parent or other person legally responsible, and encourage and facilitate visitation 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]: _____

VISITATION (child(ren) remaining in out of home care):

The Petitioner shall provide the parent or other person(s) legally responsible for the child(ren)'s care with visits with the child(ren) as follows: _____

The Petitioner shall provide the following sibling(s): _____
with visits with the child(ren) as follows: _____

Visits with the parent or other person(s) legally responsible for the child(ren)'s care siblings shall be limited as follows [specify]: _____

TERMINATION OF PARENTAL RIGHTS PETITION (Goal - Adoption):

Unless a surrender has been executed, the Commissioner of Social Services or authorized agency is directed to file termination of parental rights petitions regarding the following child(ren):
_____ against the following respondent(s): _____
within 90 days of the date of this order or as directed as follows: _____

TRANSITIONAL SERVICES (Child(ren) will be 14 or older prior to the next permanency hearing)

The Court **FINDS** that the following services and assistance are needed to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood and the court **ORDERS** the Petitioner is to 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);

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.

CONSENT - CHILD(REN) 18 OR OLDER (child(ren) remaining in out of home care):

The child(ren) has/have consented has/have not consented to remain in foster care;

OUT OF STATE PLACEMENT (child(ren) remaining in out of home care):

The court *finds* that placement outside New York State is appropriate, necessary, and in the child(ren)'s best interests, and the court *orders* that the placement of the child(ren)
at: _____ is continued until completion of the next permanency hearing .

The court finds that placement outside New York State is NOT appropriate, necessary and in the child(ren)'s best interests, and the child(ren) shall be returned to New York State to be:

- placed with [specify, if individual]: _____ .
- discharged to [specify, if individual]: _____ .

PROGRESS REPORTS AND NOTICES:

- Petitioner shall make a progress report to the Court, the parties and the attorney for the child(ren) on the implementation of this order as follows [specify date and/or frequency]: _____
- If the above permanency goal for the above-named child(ren) is changed, notice shall be provided to the Court, the parties and the attorney for the child(ren) forthwith.

[Applicable to children released to non-respondent parent or legal custodian or guardian, pursuant to Family Court Act §1054]:

Petitioner shall report to the Court, the parties and the attorney for the child [check applicable box(es)]:
 not later than 60 days prior to the termination of the order, unless a petition for extension of the period of supervision of Respondent and/or release of the child has been filed;⁷ and
 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]:

DUTY TO DISCLOSE CHANGES IN MAILING ADDRESS:

The respondent parent(s) or other person(s) legally responsible for the child(ren)'s care, as well as any youth 18 years of age or older who are discharged on a trial basis, are required to notify the local department of social services or agency of any change of mailing address and contact information.

PLANNING CONFERENCES (child(ren) remaining in out of home care):

The parent(s) or other person(s) legally responsible for the child(ren)'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.

NOTICES AND PERMANENCY HEARING REPORTS (child(ren) remaining in out of home care):

Petitioner shall transmit notice of the hearing and a permanency report **NO LATER THAN 14 DAYS IN ADVANCE OF** the permanency hearing date directed on the face of this Order to the respondent and non-respondent parent(s), other parties, attorneys, the attorney for the child(ren) 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, unless otherwise directed by this Court..

FURTHER ORDERS:

- It is further ORDERED

ENTER

 Judge of the Family Court

⁷ 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).

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]: _____