

F.C.A. §§301.2, 352.2, 355.5, 712(h), 756-a, 1052, 1055; S.S.L. §§358-a, 392.¹

General Form GF - 35
(Order - Permanency Hearing)
10/2004

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 Child Alleged to be (Abused) (Neglected) (Juvenile Delinquent) (Person in Need of Supervision) (Voluntarily Placed in Foster Care)

PERMANENCY HEARING ORDER

NOTICE: PLACEMENT OF YOUR CHILD IN FOSTER CARE MAY RESULT IN YOUR LOSS OF YOUR RIGHTS TO YOUR CHILD. 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.

DEADLINE: IF THE CHILD REMAINS IN FOSTER CARE, A PETITION FOR THE NEXT PERMANENCY HEARING MUST BE FILED NOT LATER THAN [SPECIFY]:²

The petition of _____, for a permanency hearing under Article _____ of the Family Court Act Section _____ of the Social Services Law, sworn to on [specify date]: _____, having been filed in this Court;

¹ This order form should be used for permanency hearings that do not coincide with hearings regarding extensions of placement or reviews of foster care, *i.e.*: i) cases in which an order was issued that reasonable efforts are not required to reunify the child with the parent or guardian, thus requiring a permanency hearing within 30 days; and ii) juvenile delinquency cases in which the juvenile was placed for 18 months, but where the deadline for completion of the permanency hearing was earlier.

² The petition must be filed at least 60 days prior to the date by which the hearing must be completed. *See Uniform Rules of the Family Court*, 22 N.Y.C.R.R. §205.17(b).

And notice having been given to the following person(s), [specify; check applicable boxes]:

- Parent(s)[specify]:
- Guardian(s)[specify]:
- Other person(s) legally responsible [specify]:
- Respondent [specify]:³
- Law Guardian for Child
- Prospective adoptive parent(s)[specify]:
- Foster parent(s) caring for child [specify]:
- Relative(s) caring for child [specify]:
- Petitioner (Authorized Agency Caring for Child)
- Other [specify]:

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, and the position and information provided by the [check applicable box(es)]: NYS Office of Children and Family Services local department of social services having been considered by the Court;

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 [Note: where foster care placement is continued, judicial findings must be made pursuant to I and II and, where applicable, III, below]:

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

A. “Best Interests” Finding: Return to the child's home would be contrary to the best interests of the child because [specify facts and reasons]:

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

- The Permanency Petition, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform 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” Findings:

1. [Required in cases in which the goal is reunification]: Reasonable efforts, where appropriate, to return the child home safely [check applicable box and state reasons as indicated]:

³ In child protective cases, include Respondent(s) other than parents or guardians already named. In juvenile delinquency and persons in need of supervision cases, indicate child.

- were made as follows [specify reasonable efforts, including specific documents or evidence supporting findings]:

- were not made but the lack of efforts was appropriate [check all applicable boxes]:
 - because of a prior judicial finding that the authorized agency was not required to make reasonable efforts to reunify the child with the parent(s) guardian(s) or other person(s) legally responsible for the child's care [specify date of finding]:
 - because of other reasons [specify other reasons, indicating documentary sources of information, if any]:

- were not made.

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

- The Permanency Petition, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform 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]: on [specify date]:
- Other [specify]:

2. [Required in cases in which the child's permanency plan is adoption, guardianship or permanent living arrangement other than reunification]: Reasonable efforts to make and finalize the permanency planning goal of [specify]:

were made as follows [specify reasonable efforts, including specific documents or evidence supporting findings]:

were not made based upon the following facts and for the following reasons [specify particular facts and reasons, including specific documents or evidence supporting findings; if lack of efforts was reasonable, so indicate]:

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

- The Permanency Petition, dated [specify]:
- Uniform Case Record, dated [specify]:
- Case Record, dated [specify]:
- Summary of the Uniform 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]:

II. Required Findings Regarding the Permanency Hearing

_____The Court finds that the appropriate permanency plan for the child is [specify plan]:

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

[Required where the child is 16 years of age and older]: The services, if any, needed to assist the child to make the transition from foster care to independent living are [specify]:

[Required where the child is placed outside New York State]: Placement outside New York State is is not appropriate and in the child's best interests;

NOW, after examination and inquiry into the facts and circumstances and after hearing the proof and testimony, it is therefore

A. Permanency Plan [Required if foster care placement continued]:

- ORDERED that Petitioner's permanency plan for the above-named child
- is approved
- is modified, as follows [check applicable box(es) and indicate time frame(s)]:
 - reunification with the parent(s) guardian(s) or other person(s) legally responsible for the child's care by [specify date]:
 - placement for adoption upon filing of a petition to terminate parental rights by [specify date]:
 - referral for legal guardianship by [specify name and date]:
 - permanent placement with the following fit and willing relative [specify name]:
by [specify date]:
 - permanent placement in the following alternative planned living arrangement [specify]:
upon documentation, available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child'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 [specify compelling reason(s)]:

; (and it is further)

B. Reasonable Efforts [Applicable where foster care placement continued]:

[Applicable where the child's permanency plan is reunification with the parent or guardian]:

ORDERED that following reasonable efforts shall be made to make and finalize the child's permanency plan of reunification [specify]:

; (and it is further)

[Applicable where the child’s permanency plan is adoption, guardianship or permanent living arrangement other than reunification; delete if inapplicable]:

ORDERED that following reasonable efforts shall be made to make and finalize the child’s permanency plan of [specify goal and describe efforts]:

; (and it is further)

C. Alternatives to Foster Care

ORDERED that the Commissioner of Social Services investigate [specify]: as a relative or other suitable person with whom the child may reside; (and it is further)

D. Service Plan [Required if foster care placement continued]:

ORDERED that the service plan submitted by the Petitioner [check applicable box]: is appropriate should be modified as follows [specify]:

;
and shall be given by Petitioner to the parent guardian, along with a copy of this Order;⁴
; (and it is further)

E. Transitional Services

[Applicable, but not required, in cases where the child has attained the age of 16]:

ORDERED that the Petitioner is directed to provide the following services determined above to be needed to assist the child to make the transition from foster care to independent living [specify]:

; (and it is further)

[Required in cases where child is placed in accordance with Family Court Act Article 3]:

ORDERED that the plan for the child’s release conditional release is [check applicable box]: approved modified as follows [specify]: ⁵

ORDERED that Petitioner shall take the following steps to implement the plan for the child’s release conditional release [specify]:

; (and it is further)

F. Out-of-State Placement [Required where the child is placed out-of-state]:

⁴ A copy of the service plan must be furnished to the parent or guardian in child protective and foster care proceedings. See F.C.A. §1055(b)(iv)(B)(7); S.S.L. §§358-a(3)(e)(ii); 392(6)(i).

⁵ See Family Court Act §353.3(7).

- ORDERED that the placement of the child at [specify]:
 - is appropriate and in the child's best interests and is continued until [specify]:
 - is not appropriate and in the child's best interests and the child shall, therefore, be returned to New York State to be
 - placed with [specify]: until [specify]:
 - discharged to [specify]:
- ; (and it is further)

G. Progress Reports⁶ and Notices [Delete if inapplicable]:

ORDERED that Petitioner shall make a progress report to the Court, the parties and the law guardian on the implementation of this order not later than 90 days from the date of this order and every [specify period]: days thereafter and not later than 60 days prior to the expiration of twelve months from the date of this order;⁷ (and it is further)

ORDERED that if the above permanency plan for the above-named child is changed, notice shall be provided to the Court, the parties and the law guardian forthwith, (and it is further)

H. Planning Conferences [Required]:

ORDERED that the parent(s) guardian(s) or other person(s) legally responsible for the child's care be notified of the planning conference(s) to be held and of (his)(her)(their) right to attend such conference(s) with counsel or other person;

(and it is further)

I. Visitation Plans [Visitation plan must be described]:

ORDERED that Petitioner shall provide the parent(s) guardian(s) or other person(s) legally responsible for the child's care with visitation with the child as follows [describe visitation plan]:

and the parent(s) guardian(s)

or other person(s) legally responsible for the child's care shall visit in accordance with the plan; (and it is further)

ORDERED that Petitioner shall provide the following sibling(s) [specify]: with visitation with the child as follows [describe visitation plan]:

; (and it is further)

J. Deadline for Filing Next Permanency Petition [Required if foster care continued]:

⁶ See Family Court Act §1055(b)(vi).

⁷ A separate report 60 days prior to the expiration of the placement is not required if a permanency petition is filed at that time.

ORDERED that if the child remains in foster care, Petitioner shall file a petition for the next permanency hearing **NO LATER THAN** [Specify date not less than 60 days before deadline for completion of hearing]:
and the permanency hearing shall be completed by [specify date]:

(ORDERED, that (and it is further)).

ENTERED

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,
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 LAW GUARDIAN 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]: _____