

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)
8/2010

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

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 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. 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 AND YOUR CHILD
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]:¹

¹ If a combined dispositional/permanency hearing was held and the child has 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 has 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 has been placed and the child has 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.

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(ren); 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'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'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),

the parent(s) were: present at the hearing and participated as interested party-intervenor(s);
 served with a copy of the petition but did not appear;
 were not served with a 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’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]:

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) that may form the basis to terminate parental rights [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) that may form the basis to terminate parental rights [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; delete if inapplicable]:

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

- | | | | |
|---|---------------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Child(ren)'s Attorney [specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Prospective adoptive parent(s)[specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Foster parent(s)[specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Relative(s)[specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Other [specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |

[check box(es) if applicable]:

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 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 considered the position of the child(ren) 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 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 Children

[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 Removal to Foster Care:

A. Based upon the investigation conducted by the Commissioner of Social Service, [Check applicable box(es)]:

The following person [specify]: is a non-respondent parent relative suitable person with whom the child(ren) may appropriately reside.

[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 any order herein.

may be a resource but it has not yet been determined whether as a foster parent or custodian.

There is no non-respondent parent, 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]:
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 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 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'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'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 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) to make the transition from foster care to independent living are [specify]:

[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, 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, including whether the child 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 the child(ren) (is) (are) released to the custody of the Respondent(s)
- with without 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 judgment against the Respondent(s) is hereby suspended for a period of [specify]: months upon the following terms and conditions:²

ORDERED that the Respondent(s) herein (is) (are) placed under the supervision of [specify]: for a period of [specify period of up to one year].³

upon the following terms and conditions to be met by Respondent(s) [specify]:⁴

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 [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.

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].⁵

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

² See 22 N.Y.C.R.R. §205.83, attached as Appendix A. An order of suspended judgment may NOT be combined with an order of placement or an order releasing a child to a parent under supervision.

³ Where supervision is ordered in conjunction with placement, use placement with supervision section below, not this section. Such supervision lasts for the duration of placement, that is, until completion of the next permanency hearing.

⁴ See 22 N.Y.C.R.R. §205.83, attached as Appendix A.

⁵ The relative or suitable person must be approved or certified as a foster parent.

[specify]:

and, 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 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's attorney not less than 10 days in advance
of the discharge.

Trial Discharges: Restrictions and Extensions:

[Check box if applicable]:⁶ 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]:

[Applicable to child(ren) aging out of foster care; check box if applicable]:⁷ 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

⁶ 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.

⁷ If neither box is checked, the Commissioner is authorized to discharge the child(ren) 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.

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 21st 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.

Placements with Relatives and Suitable Persons:

[Applicable where child(ren) is/are placed directly in the custody of relative or suitable person pursuant to Family Court Act §1055]:

- ORDERED that, pursuant to Family Court Act §1055, the child(ren) (is) (are) placed directly in the custody of [specify relative or other suitable person]: , who has consented to the jurisdiction of this Court, 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 local Commissioner of Social Services shall supervise the placement and shall provide the following services to the relative or suitable person and the child(ren) [specify, if any]:

and the relative or other suitable person shall comply with the following terms and conditions [specify]:

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

- ORDERED that if the child absconds 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, the docket number of this procedure, and the date on which the child 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 by the parent or other person legally responsible, and encourage and facilitate visiting with the child 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
 non-respondent parents, grandparents, other relatives 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 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 record the
 results of such investigation in the child's Uniform Case Record;

- 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'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]:**

- The Court having adjudged that [findings are REQUIRED under (i), (ii) and (iii), below]:
 - (i) custody guardianship of the following child(ren)[specify]:
 by [specify relative(s) or suitable person(s)]:
 will provide a safe and permanent home for the child(ren);

 - (ii) [Check one of the following boxes]:
 - all parties, including the attorney of the child and any foster parent who has had
 custody of the child 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

 - (iii) 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, it is, therefore,

ORDERED that [specify relative(s) or suitable person(s)]:
 is/are appointed guardian 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; and it is further
 [Check box if applicable]: 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;

[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's parents or other known
 relatives legally responsible for the child;
 commence a proceeding to commit custody and guardianship of the child 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 or other known relatives or persons legally responsible for
 the child(ren);
 provide written notice, as required by Family Court Act §1055 (b)(vii)(B), to the child's
 parents or other known relatives 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 Commissioner
 of Social Services shall report to the Court, the child’s attorney, the parties, their attorneys and the non-
 respondent parent(s) 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

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 is directed to provide the following services and assistance to
 the child(ren) to make the transition from foster care to independent living [specify]:
 ; (and it is further)

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

- ORDERED that the placement of the child at [specify]:
- is appropriate, necessary and in the child’s best interests and is continued until completion of the next permanency hearing scheduled for a date certain in this order;
- is not appropriate, necessary and in the child’s best interests and the child 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’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 is changed, notice shall be provided to the Court, the parties and the child’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(ren) 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 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; 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]:
- permanent placement in the following alternative planned living arrangement [specify]:
 - with a significant connection to the following adult [specify]:
who is [check applicable box]:
 - willing to be a permanency resource for the child.
 - under exploration as a permanency resource for the child.

OR

- with a significant connection to an adult not yet identified
; (and it is further)

2. ORDERED that Petitioner's permanency plan for the above-named child(ren) (is)(are) [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 [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]:⁸

⁸ If a combined dispositional/permanency hearing was held and the child has 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

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’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’s best interests; delete if inapplicable]:

; (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, 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]: _____

APPENDIX A [22 NYCRR §205.83]

§ 205.83 Terms and Conditions of Order in Accordance With Sections 1053, 1054, and 1057 of the Family Court Act (Child Protective Proceeding)

(a) An order suspending judgment entered pursuant to section 1052 of the Family Court Act shall, where the child is in foster care, set forth the visitation plan between respondent and the child and between the child and his or her sibling or siblings, if any, and shall require the agency to notify the respondent of case conferences. A copy of the order, along with the current service plan, shall be furnished to the respondent. Any order suspending judgment shall contain at least one of the following terms and conditions that relate to the adjudicated acts or omissions of the respondent, directing the respondent to:

- (1) refrain from or eliminate specified acts or conditions found at the fact-finding hearing to constitute or to have caused neglect or abuse;
- (2) provide adequate and proper food, housing, clothing, medical care, and for the other needs of the child;
- (3) provide proper care and supervision to the child and cooperate in obtaining, accepting or allowing

child from home. No date needs to be set if : (I) the petition is dismissed; or (ii) the child has 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 has been placed and the child has 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.

medical or psychiatric diagnosis or treatment, alcoholism or drug abuse treatment, counseling or child guidance services for the child;

(4) take proper steps to insure the child's regular attendance at school;

(5) cooperate in obtaining and accepting medical treatment, psychiatric diagnosis and treatment, alcoholism or drug abuse treatment, employment or counseling services, or child guidance, and permit a child protective agency to obtain information from any person or agency from whom the respondent or the child is receiving or was directed to receive treatment or counseling.

(b) An order pursuant to section 1054 of the Family Court Act placing the person to whose custody the child is released under the supervision of a child protective agency, social services officer or duly authorized agency, or an order pursuant to section 1057 placing the respondent under the supervision of a child protective agency, social services official or authorized agency, shall contain at least one of the following terms and conditions requiring the respondent to:

(1) observe any of the terms and conditions set forth in subdivision (a) of this section;

(2) cooperate with the supervising agency in remedying specified acts or omissions found at the fact-finding hearing to constitute or to have caused the neglect or abuse;

(3) meet with the supervising agency alone and with the child when directed to do so by that agency;

(4) report to the supervising agency when directed to do so by that agency;

(5) cooperate with the supervising agency in arranging for and allowing visitation in the home or other place;

(6) notify the supervising agency immediately of any change of residence or employment of the respondent or of the child;

(7) do or refrain from doing any other specified act of omission or commission that, in the judgment of the court, is necessary to protect the child from injury or mistreatment and to help safeguard the physical, mental and emotional well-being of the child;

(c) When an order is made pursuant to sections 1054 or 1057 of the Family Court Act:

(1) the court shall notify the supervising agency in writing of its designation to act and shall furnish to that agency a copy of the order setting forth the terms and conditions imposed;

(2) the order shall be accompanied by a written statement informing the respondent that a willful failure to obey the terms and conditions imposed may result in commitment to jail for a term not to exceed six months;

(3) the court may, if it concludes that it is necessary for the protection of the child, direct the supervising agency to furnish a written report to the court at stated intervals not to exceed six months setting forth whether, and to what extent:

(I) there has been any alteration in the respondent's maintenance of the child that is adversely affecting the child's health or well-being;

(ii) there is compliance with the terms and conditions of the order of supervision;

(iii) the supervising agency has furnished supporting services to the respondent.

(d) A copy of the order setting forth its duration and the terms and conditions imposed shall be furnished to the respondent.