

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(ren) under the Age of
Eighteen Years Alleged to be (Abused)
(and) (Neglected) by

ORDER

**DIRECTING
TEMPORARY
REMOVAL OF CHILD
(Before Filing of
Petition)**

Respondent(s)

An application having been made to this Court by _____ (a duly authorized
children protective agency) (person specified in Section 1032 of the Family Court Act, to wit,
_____) for an order directing the temporary removal of the above-named child(ren) from the place
where such child(ren) (is) (are) residing; and
the Court having determined that:

a.. The (parent) (person legally responsible for the child(ren)) (is absent and cannot be located
after reasonable effort to do so) (was asked and refused to consent to temporary removal of the
child(ren) and was informed of an intent to apply for an order of removal); and

b. The child(ren) appear(s) to so suffer from (abuse) (and) (neglect) by the (parent(s)) (person(s))
legally responsible for said child(ren)'s care) that continuation in the child(ren)'s home would be
contrary to the welfare and best interests of the child(ren) and that the immediate removal of said
child(ren) is necessary to avoid imminent danger to the child(ren)'s life or health; and

c. Based upon the investigation conducted by the Commissioner of Social Service, _____ is a suitable person related to the child(ren) with whom such child(ren) may appropriately reside, and such person (seeks approval as a foster parent pursuant to the Social Services Law for the purposes of providing care for such child(ren)) (wishes to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein) (there is no suitable person related to the child(ren) with whom such child(ren) may appropriately reside). [Delete inapplicable provisions]

d. There is not enough time to file a petition and hold a preliminary hearing under Section 1027 of the Family Court Act.

e. Imminent risk to the child(ren) (would) (would not) be eliminated by the issuance of an order of protection directing the removal of _____ from the child(ren)'s residence.

f. The removal is necessary because

g. The Respondent (was) (was not) present at the hearing of this application.

(h. Respondent who was not present was given notice by _____)

i. The (removal) (request for removal) was made pursuant to Family Court Act Section (1021) (1022) (1024).

j. Reasonable efforts (were)(were not) made prior to the date of application for this order directing such temporary removal to prevent or eliminate the need for removal of the child from (his)(her) home (but that the lack of such efforts were appropriate under the circumstances) [Delete inapplicable provisions]

k. Continued placement of the child in (his)(her) home would be contrary to the welfare and best interests of the child,

NOW therefore, (on this Court's own motion) it is hereby

ORDERED that [specify name of child(ren)]: _____ be temporarily removed from the place where said child(ren)(is)(are) residing by any peace officer or agent of a duly authorized agency, society or institution and that said child(ren) be brought to _____, and it is further

ORDERED that a petition under Article 10 of the Family Court Act be filed in this Court within

three days of the date of this Order unless said child(ren) is (are) sooner returned to (his) (her)(their) home;

(And it further appearing that emergency (medical)(surgical) procedures are necessary to safeguard the life or health of said child, it is further

(ORDERED that (Hospital) (M.D.) is hereby authorized to provide such emergency medical or surgical procedures for the said child(ren) as may be necessary to safeguard the life or health or said child(ren)). (and it is further)

(ORDERED that the child protective agency shall (provide)(arrange for) the following services or assistance to the (child)(child's family) pursuant to section 1015-a or 1022(c) of the Family Court Act [specify]:

)(and it is further)

(ORDERED

).

ENTER

J.F.C.

Dated: , .

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. IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.

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]: _____