

F.C.A. §§1017, 1033-b, 1040, 1044,  
1046, 1051, 1052, 1053,  
1054, 1055, 1057, 1059

Form 10-10  
(Child Protective– Order of  
Fact-finding, Disposition  
and Permanency Hearing)  
2/2001

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

ORDER OF FACT-FINDING AND  
DISPOSITION (AND  
PERMANENCY HEARING)  
(Neglect)( Abuse)

Respondent(s)

**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.**

**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.**

**DEADLINE: IF THE CHILD REMAINS IN FOSTER CARE, A PETITION FOR THE NEXT  
PERMANENCY HEARING MUST BE FILED NOT LATER THAN [SPECIFY]:<sup>1</sup>**

The petition of [specify]: \_\_\_\_\_ under Article 10 of the Family Court Act, sworn

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<sup>1</sup> 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).

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

Respondent (s) having:  appeared  not appeared ; and Counsel for the Respondent(s) having  appeared  not appeared before this Court to answer the petition; and

Respondent 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, Law Guardian 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 children 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;
- substituted service was ordered;

And the following other interested party-intervenors were present and participated in the hearing [specify name(s) and relationship(s) to child(ren)]:

[Applicable to combined dispositional/permanency hearing; delete if inapplicable]:

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

- Prospective adoptive parent(s)[specify]:  with counsel  without counsel
- Foster parent(s)[specify]:  with counsel  without counsel
- Relative(s)[specify]:  with counsel  without counsel
- Other [specify]:  with counsel  without counsel

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 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;

The Court, after hearing the proofs and testimony offered in relation to the case, and having found [check applicable box(es)]:

? by a preponderance of the evidence that Respondent committed the following acts constituting ? child neglect ? child abuse [specify act(s), including the name(s) of the child(ren), the Penal Law section, if applicable, and the grounds for the determination]:

? by clear and convincing evidence that Respondent ? severely ? repeatedly abused the child(ren), by committing the following acts constituting ? severe ? repeated abuse, acts that may form the basis to terminate parental rights [specify act(s), the name(s) of the child(ren), the Penal Law section, if applicable, and the grounds for the determination]:

And the matter having thereafter duly come on for a [check one or both boxes]:  
? dispositional hearing ; ? permanency hearing before 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: judicial findings must be made pursuant to I, II, III and IV, below]:

**I. Required “Best Interests” and “Reasonable Efforts” Findings** [check applicable boxes and provide case-specific reasons in both A and either B or C, below, as well as D, if applicable]:

**A. “Best Interests” Findings:** Continuation of the child(ren) in, or return of the child(ren) to, the child(ren)'s home would be contrary to the best interests of the child(ren) because [specify facts and reasons, including specific documents or evidence supporting findings; if findings were already made, so state and give date]:

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

- ? The Permanency Petition, dated [specify]:
- ? Uniform Case Review, 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. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home [check applicable box (es); state reasons as indicated; if finding was made previously, so indicate and give date]:

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 F.C.A. §1039-b that the authorized agency was not required to make reasonable efforts to reunify the child with the  parent(s)  other person(s) legally responsible for the child(ren)'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 is based upon the following information [check applicable box(es)]:

The Permanency Petition, dated [specify]:

Uniform Case Review, 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]:

2. 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 [check all applicable boxes]:

because of a prior judicial finding pursuant to F.C.A. §1039-b that the authorized agency was not required to make reasonable efforts to reunify the child with the  parent(s)  other person(s) legally responsible for the child(ren)'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 is based upon the following information [check applicable box(es)]:

- ? The Permanency Petition, dated [specify]:
- ? Uniform Case Review, 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]:

3. **[Required in cases in which a combined dispositional/permanency hearing is held and in which the child(ren)'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(ren)'s care]:** 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 is based upon the following information [check applicable box(es)]:

- ? The Permanency Petition, dated [specify]:
- ? Uniform Case Review, 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 Alternatives to Removal to Foster Care:**

**A. Required Findings Regarding Relatives and Other Suitable Persons:**

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

? The following person is a suitable person related to the child(ren) with whom such child(ren) may

appropriately reside [specify]:

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.

? There is no suitable person related to the child(ren) with whom the child(ren) may appropriately reside.

**B. Required Findings Regarding Domestic Violence:**

1. 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.

2. ? Domestic violence in the child's home ? has ? has not occurred.  
? It is unknown whether domestic violence has occurred in the child's home.

**III. Required Findings Regarding Siblings:**

Based upon the investigation conducted by the Commissioner of Social Services,  
[Check applicable box(es):

Q The following sibling(s) or half-sibling(s) are in the care and custody of the Commissioner of Social Services of [specify]: County [specify]:

Q Placement of the child with the following sibling(s) or half-sibling(s)  
would be appropriate and in the children's best interests [specify]:

Q Placement of the child with the following sibling(s) or half-sibling(s)  
would not be in the child's best interests based upon the following facts and for the following reasons [specify]:

Q The following is the plan for visitation and communication with the sibling(s) or half-sibling(s)[specify]:

Q Visitation and communication with the sibling(s) or half-sibling(s) would be contrary to the children's best interests based upon the following facts and for the following reasons [specify]:[specify]:

Q The child has no siblings or half-siblings.

Q The child has the following siblings or half-siblings [specify]:  
who are in the custody of [specify]:

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

? [Required regarding child(ren) 16 years of age and older]: The services, if any, needed to assist the Respondent to make the transition from foster care to independent living are [specify]:

? [Required regarding child(ren) (is)(are) placed outside New York State]: Placement outside New York State is appropriate and is in the child's best interests;

**NOW therefore, upon findings made in the [check applicable box(es)]:**

fact-finding,  
 dispositional, and  
 permanency hearings;  
and upon all proceedings had herein, it is

**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) (a)
  - neglected
  - abused
  - severely abused
  - repeatedly abused, as defined in section 1012 of the Family Court Act;

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 it is further

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 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:<sup>2</sup>

? ORDERED that the Respondent(s) herein (is) (are) placed under the supervision of [specify]: for a period of [specify]:

? upon the following terms and conditions to be met by Respondent(s) [specify]:<sup>3</sup>

? 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)]: (is)(are) required to comply with the terms and conditions specified in the order of protection annexed to this order and made a part thereof, during which period the custody of the child(ren) is awarded to [specify]: ;

Q ORDERED that the child(ren) (is) (are) placed in the custody of the Commissioner of Social Services of [specify]: County, for the [specify period]: for the following reasons [specify reasons for length of placement ordered]: , subject to the further orders of this Court.

Q ORDERED that the child(ren) (is) (are) placed for a period of [specify]: in the custody of [specify suitable relative or other person]: , for the [specify period]: for the following reasons [specify reasons for length of placement ordered]: , subject to the further orders of this Court.

Q The position of the Commissioner of Social Services of the County of [specify]: having been considered by the Court, it is ORDERED that the child(ren) (is) (are) placed for a period of [specify period up to 12 months]: in the custody of the Commissioner of Social Services of the County of [specify]: for placement with [specify:] , for the [specify period]: for the following reasons [specify reasons for length of placement ordered]: subject to the further orders of this Court.

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<sup>2</sup> See 22 N.Y.C.R.R. §205.83, attached as Appendix A.

<sup>3</sup> See 22 N.Y.C.R.R. §205.83, attached as Appendix A.

**Q ORDERED** that in the event that the child absconds from the above-named custodial person or facility, written notice of that fact 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.

**Q ORDERED** that the **Q**parent(s) **Q**person(s) legally responsible for the care of the child(ren) (is) (are) hereby directed to pay to [specify]: \_\_\_\_\_ during the period of placement of the child(ren) the sum of \$ \_\_\_\_\_ per \_\_\_\_\_ for the support of the child(ren).

**Q ORDERED** that the Commissioner of Social Services is directed to investigate the following relative(s) or other suitable person(s) as possible resources to care for the child(ren) [specify]:

**Q ORDERED** that the child(ren) (is)(are) directed to be placed together with the following siblings or half-siblings [specify]:

**Q 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]:

**Q** The Court having adjudged that the child(ren) **Q**( is)(are) under the age of one year; and **Q** (has) (have) been abandoned by the **Q** parent(s) **Q** person(s) legally responsible for the care of the child(ren) for a period of [specify]: \_\_\_\_\_ ; and that the **Q** parent(s) **Q** 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)]:

**Q** promptly commence a diligent search to locate the child's parents or other known relatives legally responsible for the child;

**Q** 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);

**Q** 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.

**Q ORDERED** that \_\_\_\_\_, **Q** a social services official **Q** a duly authorized agency, undertake diligent efforts to encourage and strengthen the parental relationship, including encouraging and facilitating visitation with the child by the parent or other person legally responsible,

and encourage and facilitate visitation with the child by any non-custodial parent or grandparent who has obtained an order pursuant to F.C.A. §1081. Such efforts shall include, but are not limited to, the following [specify]:

**[Applicable in all cases where child(ren) (is)(are) placed with Commissioner of Social Services]:**

**1. Transitional Services [Applicable regarding children 16 years of age and older]:**

Q 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)

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

Q 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)

**3. Progress Reports<sup>4</sup> and Notices:**

? 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; (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)

**4. 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)

**5. Visitation Plans [Required; visitation plan must be described. See F.C.A. §1055(b)(vi)].**

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<sup>4</sup> See Family Court Act §1055(b)(vi).

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

**C. Permanency Hearing Order: [Required where combined dispositional/permanency hearing has been held;<sup>5</sup> check applicable boxes in A, B, and C, and, if appropriate, D, below]:**

1. Q 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 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]:  
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)]:

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

- Q approved without modification;
- Q modified, as follows [check applicable box(es) and indicate time frame(s)]:

3. Q ORDERED that the service plan ? is appropriate ? should be modified as follows [specify]:

and 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.

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

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<sup>5</sup> This section is not required if the hearing held was solely a dispositional hearing.

**D. Deadline for Filing Next Permanency Petition (Required in all cases in which placement is ordered)**

**ORDERED that if the child(ren) remain(s) 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 permanency hearing]: and the permanency hearing shall be completed by [specify date]:**

; (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 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]: \_\_\_\_\_

**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 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.