

At a term of the Family Court of the  
State of New York, held in and for  
the County of \_\_\_\_\_,  
at \_\_\_\_\_ New York  
on \_\_\_\_\_,

PRESENT:

Hon.  
Judge

.....  
In the Matter of

Docket No.

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

ORDER (Violation of  
Order of Disposition)

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 above-named child having been adjudicated to be [check applicable box(es)]:  
 neglected  abused  severely abused  repeatedly abused within the meaning of Article  
10 of the Family Court Act;

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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).

And an Order of Disposition dated [specify]: \_\_\_\_\_, having been made  
in this court requiring the following Respondent(s) [specify]: \_\_\_\_\_ to comply with the  
terms and conditions of an Order of [check applicable box(es)]:  
 Suspended Judgment  Protection  Supervision  Placement ;

And a petition having been filed alleging that the Order of Disposition has been violated  
and notice having been duly given to the Respondent(s);

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(s) having:

voluntarily, intelligently and knowingly admitted in open court that (s)he committed  
the following act(s) in violation of the Order of Disposition [specify]:

denied the allegations of the petition and the matter having duly come on for a hearing  
before this Court ;

not appeared and the matter having duly come on for a fact-finding hearing by inquest  
before this Court;

The Court, after hearing, finds and determines by competent proof that the following  
Respondent(s) [specify]: \_\_\_\_\_ willfully and without just cause  
disobeyed and failed to obey the Order in that [specify provision(s) of order violated and nature of  
violation]:

**I. Required “Best Interests” and “Reasonable Efforts” Findings [Required where this  
Order of Disposition regarding the above violation provides for the placement of the  
child(ren); check applicable boxes and provide case-specific reasons in A and B or C,  
below]:**

The Court finds and determines that:

A. 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 finding was previously made, so  
state and give date]:

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

Report of Suspected Child Abuse or Neglect

Uniform Case Review, dated [specify]:

- ? Summary of the Uniform 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 [check applicable box and state reasons as indicated; if finding was previously made, so state 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 Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:

because [specify other reasons]:

were not made.

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

- ? Report of Suspected Child Abuse or Neglect
- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? Testimony of [specify]:
- ? Other [specify]:

C. Where the child(ren) (was)(were) removed prior to the date of this order, reasonable efforts, where appropriate, to return the child(ren) to the home [check applicable box and state reasons as indicated; if finding was previously made, so state 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 Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:

because [specify other reasons]:

were not made.

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

- ? Report of Suspected Child Abuse or Neglect
- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? Testimony of [specify]:
- ? Other [specify]:

**II. Findings Regarding Alternatives to Foster Care: [Required if placement ordered]**

**A. Relatives and Other Suitable Persons:**

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

- ? 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. Domestic Violence:**

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. Findings Regarding Siblings: [Required if placement ordered]**

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

- The child(ren) (has)(have) no siblings or half-siblings.
- The child(ren) (has)(have) 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 children 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 children placed outside New York State]:** Placement outside New York State is appropriate and is in the child’s best interests;

**NOW, therefore, it is hereby**

**A. Order of Fact-finding or Dismissal of Violation:**

ORDERED that the Order of [check applicable box(es)]:  Suspended Judgment  
 Protection  Supervision  Placement is hereby REVOKED;

OR

ORDERED that the Petition for Violation of Order of Disposition is DISMISSED and the Order of Disposition is continued;

(and it is further)

**B. Order of Disposition of the Violation [Required where Order of Disposition is revoked; check applicable box(es)]:**

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>

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

? ORDERED that the Respondent(s) (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, 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]: , 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:] subject to the further orders of this Court.

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 during the period of placement 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

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

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 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 [specify]: , **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]:

**Q ORDERED** that the child protective agency 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 the period of placement, suspended judgment or release to a parent or other person under supervision.

**[Applicable in all cases where children 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:**

Q 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)

Q 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)]:**

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)

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

; (and it is further)

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

**6. Deadlines for Permanency Petitions and Hearings [Required]:**

**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.

