

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-EXTENSION OF
PLACEMENT AND
PERMANENCY HEARING

Respondent(s)

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

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

And an Order of Disposition, dated [specify]: _____, having been issued placing the child with [check applicable box]: a suitable person the Commissioner of Social Services of [specify]: _____ County,

And the petition of [specify]: _____, for an extension of placement and permanency hearing, sworn to on [specify date]: _____, having been filed in this Court [check applicable box]: _____

¹ 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).

- ? at least 60 days prior to the expiration of the period of placement;
- ? less than 60 days prior to the expiration of the period of placement,
and good cause having [check applicable box] ? been ? not been found for the delay;

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

- ? Respondent(s) [specify]: ? with counsel ? without counsel
- ? Non-respondent Parent(s)[specify]:
- ? Non-respondent Guardian(s)[specify]:
- ? Law Guardian for Child
 - ? Prospective adoptive parent(s)[specify]:
- ? Foster parent(s) caring for Child [specify]:
- ? Relative(s) caring for Child [specify]:
- ? Authorized Agency caring for Child [specify]:
- ? Other [specify]:

And the matter having duly come on to be heard, and the above-named persons appearing having been given an opportunity to be heard,

And the position and information provided by the Commissioner of Social Services of [specify]:
County, having been considered by the Court;

And during the period following the issuance of the order of placement order or last extension of placement and/or permanency hearing order, the conditions and circumstances giving rise to the order of placement, or most recent extension of the placement [check applicable box]:

- ? have changed as follows [specify]:
- ? have not changed,

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 Sections I and II, below. If placement is extended temporarily, judicial “best interests” and “reasonable efforts” findings must be made pursuant to Section I, below]:

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

A. “Best Interests” Findings: Return of the child to the child's home would be contrary to the best interests of the child because [specify facts and reasons; if child would be at risk of abuse or neglect if returned home, 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]:

B. “Reasonable Efforts” Findings:

1. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child from the home [check applicable box (es); state reasons as indicated. If prior finding was 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 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’s care [specify date of finding]:

because [specify other reasons]:

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. Reasonable efforts, where appropriate, to return the child 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 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's care [specify date of finding]:
 because of other reasons [specify]:

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 the child's permanency plan is adoption, guardianship or permanent living arrangement other than reunification]: Reasonable efforts to make and finalize the permanency plan of [specify]:

were made as follows [specify]:

were not made based upon the following facts and for the following reasons [specify; 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. Findings Regarding Alternatives to Foster Care [check applicable box(es)]:²

A. Relatives and Other Suitable Persons : Based upon the investigation conducted by the

² These findings are required at the initial disposition of a child protective proceeding. See F.C.A. §§1017, 1052(b)(ii). New findings, if appropriate, may also be made at a permanency hearing.

Commissioner of Social Services of the County of [specify]:

[Check applicable box(es):

? The following person is a suitable person related to the child with whom such child may appropriately reside [specify]:

Such person: ? seeks approval as a foster parent in order to provide care for the child; ? wishes to provide care and custody for the child without foster care subsidy during the pendency of any order herein.

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

B. Domestic Violence

1. Imminent risk to the child: ? 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's residence.

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

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

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

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

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

A. Temporary Order Extending Placement

? ORDERED that, probable cause having been found for continuing the placement temporarily pending the hearing and that such temporary order is necessary, the child's placement is extended until [specify date not to exceed 30 days]:³

B. Extension of Placement: Disposition of Petition [Required]

? ORDERED that the petition is GRANTED and the placement is extended to the following date [specify]: , for the following reasons [specify, including reasons

³ The permanency hearing must be held and the "best interests" and "reasonable efforts" findings above must be made on a timely basis, even if the placement is extended only temporarily. A temporary order of up to 30 days may be granted only upon a showing of good cause. See Family Court Act §1055(b)(v).

for length of placement ordered]:

subject to further orders of this Court.

OR

? ORDERED that the petition is DISMISSED and the child is discharged from the custody of [specify]: on [specify date no later than the date of expiration of the placement period]:

C. Permanency Plan [Required]

ORDERED that Petitioner’s permanency plan for the above-named child

? is approved

? is modified, as follows [check applicable box(es) and indicate time frame(s)]:

? reunification with the ? parent(s) ? other person(s) legally responsible for the child’s care by [specify date]:

? placement for adoption upon filing of a petition to terminate parental rights by [specify date]:

? referral for legal guardianship by [specify name and date]:

? permanent placement with the following fit and willing relative [specify name]: by [specify date]:

? permanent placement in the following alternative planned living arrangement [specify]:

upon documentation, available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child’s best interests to return home, be referred for termination of parental rights and adoption, placed with a fit and willing relative, or placed with a legal guardian [specify compelling reason(s)]:

; (and it is further)

D. Reasonable Efforts

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

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

; (and it is further)

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

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

; (and it is further)

E. Alternatives to Foster Care

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

F. Service Plan [Required]

ORDERED that the service plan submitted by the Petitioner [check applicable box]:
? is appropriate ? should be modified as follows [specify]:
;
and shall be given by Petitioner to the ? parent ? guardian, along with a copy of this Order;⁴
; (and it is further)

And the Court having found that the ? parent ? guardian has [check applicable
box]:⁵ ? complied ? not complied with the services contained in the service plan, it is
ORDERED that the ? parent ? guardian take the following steps to comply [specify]:
; (and it is further)

And the Court having found that the ? Petitioner ? Authorized Agency has [check
applicable box]:⁶ ? complied ? not complied with its obligations as set forth in the service
plan, it is

ORDERED that the ? Petitioner ? Authorized Agency take the following steps to
comply [specify]:

; (and it is further)

G. Transitional Services [Applicable where the child is 16 years of age or older]

? 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)

H. Out-of-State Placement [Required where the child has been placed out-of-state]

⁴ A copy of the service plan must be furnished to the parent or guardian. See F.C.A. §1055(b)(iv)(B)(7).

⁵ This finding is required pursuant to F.C.A. §1055(b)(iv)(A)(3).

⁶ This finding is required pursuant to F.C.A. §1055(b)(iv)(A)(3).

? 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)

I. Progress Reports⁷ 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;⁸
; (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)

J. Planning Conferences [Required]

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

K. Visitation Plans [Visitation plan must be described]

? ORDERED that Petitioner shall provide the ? parent(s) ? other person(s) legally
responsible for the child’s care with visitation with the child as follows [describe visitation
plan]:
and the ? parent ? other
person(s) legally responsible for the child’s care shall visit in accordance with the plan; (and it is
further)

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

⁷ See Family Court Act §1055(b)(vi).

⁸ A separate report 60 days prior to the expiration of the placement is not required if a permanency petition is filed at that time.

; (and it is further)

L. Additional Orders Regarding Placement

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 **Qparent(s) Qperson(s)** legally responsible for the care of the child (is) (are) hereby directed to pay to [specify]: _____ during the period of placement of the child the sum of \$ _____ per _____ for the support of the child.

M. Deadlines for Permanency Petition and Hearing [Required if placement extended]

ORDERED that if the child remains in foster care, **Petitioner shall file a petition for the next permanency hearing NO LATER THAN [Specify date no 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, that

).

ENTERED

Judge of the Family Court

Dated:

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

? Order mailed on [specify date(s) and to whom mailed]: _____

? Order received in court on [specify date(s) and to whom given]: _____