

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)
Removal
(and) (Neglected) by

ORDER (Directing
Temporary

of Child-After
Petition Filed)

Respondent(s)
.....

A Petition under Article 10 of the Family Court Act having been filed with this Court alleging that the above-named child(ren) (is)(are)[check applicable box(es)]:

abused neglected severely abused repeatedly abused ;

And a preliminary hearing having been held by this Court pursuant to Section 1027 of the Family Court Act; and the following person(s) having appeared to determine whether the child's interests require protection pending a final order of disposition [specify; check applicable boxes]:

Respondent [specify]: with counsel without counsel
 Respondent [specify]: with counsel without counsel
 Other [specify]: with counsel without counsel
 Law Guardian
 Petitioner

And the child (ren) [check applicable box(es)]:

having been removed prior to this hearing pursuant to
Family Court Act [specify]: §1021 §1022 §1024.
 having not been removed prior to this hearing;

The Court finds and determines that [Note: judicial findings must be made pursuant to I, II

and III, below]:

I. Criteria for Temporary Removal of Child(ren) [All three criteria (A, B and C) must be met]:

A. The parent person legally responsible for the child(ren) [check applicable boxes]:
 is absent and cannot be located after reasonable effort to do so; or
 was asked and refused to consent to temporary removal of the child(ren) and
 was was not informed of an intent to apply for an order of removal; or
 consented to the temporary removal of the child(ren); and

B. The child(ren) appear(s) to so suffer from abuse or neglect by the
 parent(s) person(s) legally responsible for the child(ren)'s care ; and

C. Immediate removal or, if already removed, continued removal, of the child(ren) is necessary to avoid imminent danger to the child(ren)'s life or health because [specify facts and reasons, citing specific documents or evidence supporting findings]:

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

A. Continuation in, or return 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
- 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, and, if the child(ren) were removed 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 [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]:

Q because of other reasons [specify]:

Q were not made.

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

- ? Petition
- ? 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]:

III. Findings Regarding Alternatives to Removal to Foster Care:

A. 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]: 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.

NOW, therefore, it is [check applicable box(es)]:

ORDERED that the application for ? removal or ? continued removal of the child(ren) is hereby ? granted OR ? denied; (and it is further)

? ORDERED that the child(ren)(is)(are) released to the custody of [specify]: , the child(ren)'s ? parent(s) ? other person legally responsible for the child(ren)'s care, such release to be under the supervision of [specify; delete if inapplicable]: ; (and it is further)

? ORDERED that the child(ren) shall be temporarily removed from the place where the child(ren) (is) (are) residing by any peace officer or agent of a duly authorized agency, society or

institution and shall be brought to [specify]:
herein; (and it is further)

pending further proceedings

? ORDERED that, pending further proceedings, the child(ren) shall be placed in the
custody of [check applicable box]:

- ? the Commissioner of Social Services of
- ? the Commissioner of Social Services of
- [specify]:
- ? other [specify]:

County;
County to reside with

; (and it is further)

? ORDERED that: ? Hospital [specify]: ? Physician [specify]:
is hereby authorized to provide such emergency medical or surgical procedures for the child(ren)
as may be necessary to safeguard the child(ren)'s life or health; (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 that the Commissioner of Social Services investigate whether there are any
suitable person(s) related to the child(ren) with whom the child(ren) may appropriately reside,
including, but not limited to [specify]: , and
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 it is further)

(ORDERED

).

ENTER

Judge of the Family Court

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.¹

Check applicable box:

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

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

¹ NOTE: If the parent or other person legally responsible for a child was not present and given the opportunity to be represented by counsel at a hearing conducted pursuant to Family Court Act §1027, the parent or other person legally responsible may only challenge an order of removal of the child or children by requesting a hearing before the Family Court, not by appealing to the Appellate Division. The hearing before the Family Court must be held within three court days of the request, unless good cause is shown. *See* Family Court Act §1028.