

Neglect/Abuse)
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

DETERMINATION
UPON
FACT-FINDING
HEARING
(Neglect)(Abuse)

Respondent(s)

The petition of [specify]: _____ under Article 10 of the Family Court
Act, sworn 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 said 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)]:

And the Court, after hearing the proofs and testimony offered in relation to the case, and having found [check applicable box(es) and specify act(s) of abuse and/or neglect found, if any]:

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

by clear and convincing evidence that Respondent severely repeatedly abused the child(ren) by committing the following acts(s) constituting severe repeated abuse, acts that may form the basis to terminate parental rights, [applicable only where severe or repeated abuse was alleged and Respondent was so advised specify act(s), including the name(s) of the child(ren), the Penal Law section, if applicable; and grounds for determination. . See Family Court Act §1033-b]:

[Required findings in cases where removal of the child is ordered pending final disposition]: The Court finds and determines that [Note: judicial findings must be made pursuant to I and II, below]:

I. Required “Best Interests” and “Reasonable Efforts” Findings [check applicable boxes and provide case-specific reasons in both A and B, below; if findings were already made, so state and give date]:

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; if finding had been made previously, so state and give date]:

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; if finding had been made previously, so state and give date]:

Q were made as follows [specify]:

Q were not made but the lack of efforts was appropriate [check all applicable boxes]:

Q 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 [specify other reasons]:

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]:

II. 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. 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, upon the findings made in the fact-finding hearing and upon all the proceedings had herein, it is

ADJUDGED that facts sufficient to sustain the petition herein ? have ? have not been established, in that [specify]:

; and it is hereby

[Check applicable box(es); delete inapplicable provision(s)]:

? ADJUDGED that the above-named child(ren) (is) (are) (a) ? neglected ? abused ? severely abused ? repeatedly abused) child(ren) as defined in section 1012 of the Family Court Act; (and it is further ordered that the child(ren) be ? removed from the home ? continued in the temporary custody of [specify]:
pending disposition because such removal or continued temporary custody is necessary to avoid imminent risk to the child(ren)'s life or health);

OR

? ORDERED, that the petition filed herein be dismissed; and it is further

? ORDERED that the 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 that the child(ren) shall be brought to [specify]: pending disposition of this proceeding; (and it is further)

? ORDERED that, pending disposition of this proceeding, 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 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

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ENTER

Judge of the Family Court.

Dated: , .

NOTICE: 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.

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.

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]:_____