

Instrument)

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 the Application for  
Approval of an Instrument concerning

Docket No.

**ORDER OF  
DISPOSITION--  
PETITION FOR  
APPROVAL OF  
AN INSTRUMENT**

Pursuant to Section 358-a of the  
Social Services Law

**NOTICE: PLACING YOUR CHILD IN FOSTER CARE MAY RESULT IN 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.**

**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 an authorized official of the Department of Social Services, County of [specify]:  
, dated [specify]: \_\_\_\_\_, having been filed with the Court  
requesting approval of an instrument transferring custody and care of the child to the agency;

<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).



- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? The testimony of [specify]:
- ? Other [specify]:

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child from the home [check applicable box(es) 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)

guardian(s) [specify date of finding]:

because [specify other reasons]:

were not made.

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

- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? The testimony of [specify]:
- ? Other [specify]:

C. Where the child was removed from the home prior to the initiation of this proceeding, 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)

guardian(s) [specify date of finding]:

because [specify other reasons]:

were not made.

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

- ? Uniform Case Review, dated [specify]:

- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? The testimony of [specify]:
- ? Other [specify]:

D. [Applicable 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]:

**Q** were made as follows [specify]:

**Q** were not made based upon the following facts and for the following reasons [specify]:

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

- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? The testimony of [specify]:
- ? Other [specify]:

III. Findings Regarding Relatives and Siblings [Required; check applicable boxes in A and B, below]:<sup>2</sup>

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

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

Such person: **Q** seeks approval as a foster parent in order to provide care for the child;

**Q** wishes to provide care and custody for the child without foster care subsidy during the pendency of any order herein.

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

B. 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)

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<sup>2</sup> Prior to accepting transfer of the child's care and custody, the Commissioner of Social Services is required to conduct investigations regarding relatives and other suitable persons, as well as siblings, pursuant to Social Services Law §384-a(1-a). Findings regarding sibling placements, visitation and communication are required pursuant to Social Services Law §358-a(11).

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 Finding Regarding Transitional Services [Required where child is 16 years of age and older]:<sup>3</sup>**

? The services, if any, needed to assist the child to make the transition from foster care to independent living are [specify]:

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

**A. Disposition of Petition [Required; check applicable box]**

? ORDERED that the petition is granted and the instrument dated [specify]:  
and executed by [specify]: is approved and the  
custody and care of the child is hereby transferred to the Petitioner ;

OR

? ORDERED that the petition is dismissed and the child is discharged. and must be returned forthwith to [specify]: ; (and it is further)

**B. Reasonable Efforts [Applicable where petition granted]**

[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 permanency plan of reunification [specify]:

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<sup>3</sup> See Social Services Law §358-a(3)(f).

; (and it is further)

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

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

; (and it is further)

**C. Relatives, Suitable Persons, Siblings and Half-siblings [Applicable where petition granted]**

? 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)

? ORDERED that the Commissioner of Social Services investigate placement of the child with the following siblings or half-siblings [specify]: ; (and it is further)

**D. Visitation with Parents, Guardians, Grandparents, Siblings and Half-siblings [Required where petition granted]<sup>4</sup>**

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

;(and it is further)

[Applicable where Petitioner or law guardian opposed incorporation of a visitation order regarding non-custodial parents or grandparents into the placement instrument]:

? ORDERED that the application of ? Petitioner ? law guardian for the visitation order regarding the following non-custodial parents or grandparents [specify]: not to be incorporated into the placement instrument is hereby ? granted ? denied; and the visitation order is ? incorporated ? not incorporated ? modified as follows [specify]:

; (and it is further)

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

; (and it is further)

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<sup>4</sup> The visitation plan with the parents or guardians must be described in the order pursuant to Social Services Law §358-a(3)(e). If the Petitioner or law guardian oppose incorporation of a visitation order regarding a non-custodial parent or grandparent, this order must contain a determination of that application. See Social Services Law §358-a(10)(b). Further, this order may contain a direction to the Petitioner regarding the findings rendered with respect to the child’s placement, visitation and communication with siblings or half-siblings. See Social Services Law §358-a(11).

**E. Notice of Planning Conferences, Service of Order and Service Plan [Required in all cases in which the petition is granted]**

? ORDERED that the ? parent(s) ?(guardian(s) be notified of the planning conference or conferences to be held with respect to the child, of the parent(s)' or guardian(s)' right to attend such conference(s) and of the right to be accompanied at such conference(s) by counsel or other person; or (and it is further)

? ORDERED that the Petitioner shall serve a copy of this Order and service plan ? personally ? by certified mail upon the ? parent(s) ?(guardian(s) who executed the aforesaid instrument. Such service shall be made within [specify]: days from the date of this order, and shall be accompanied by a notice of the terms and conditions, if any, under which the custody and care of the child may be returned to the parent(s) or guardian(s); (and it is further)

**F. Request for Return of Child [Required in all cases in which the petition is granted]**

? ORDERED that the child shall be returned to the ? parent(s) ?(guardian(s) in accordance with the terms and conditions of the placement instrument without further Court order; (and it is further)

**G. Permanency Petition and Hearing Deadlines [Required in all cases in which the petition is granted]**

? ORDERED that the Petitioner shall file a petition for a permanency hearing NO LATER THAN [specify date not less than 60 days before the expiration of one year after the date of removal of the child from the home]: and the permanency hearing shall be completed by [specify date]:

; (and it is further)

(ORDERED

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ENTER

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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]: \_\_\_\_\_