

(Person in Need of Supervision--Order on Violation of Suspended Judgment or Probation Disposition)
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

A Person Alleged to be a Person In Need of Supervision,

Suspended _____ Respondent.

Docket No. _____

ORDER (Violation of Order of Disposition- Probation or Judgment)

The above-named Respondent having been adjudicated by this Court to be a person in need of supervision as defined in Article 7 of the Family Court Act, and an Order of Fact-finding and Disposition, dated [specify]: _____, having been made whereby [check applicable box]: judgment was suspended upon certain terms and conditions; Respondent was placed on probation on certain terms and conditions; and

The Court, after hearing, finds and determines by competent proof that the Respondent, [check applicable box]: did did not willfully and without just cause fail to comply with the terms and conditions in that: [specify provisions of order violated and nature of violations]:

[Required where Order of Disposition is revoked]:

The Court, having determined that the Order of Disposition should be revoked and having fully considered the matter of a new disposition pursuant to Family Court Act §§ 754, 776 and 779, finds and determines that the Respondent requires the following disposition for the following reasons [specify]:

Required Findings in Cases in Which the Respondent is Placed:

[The following determinations are required when order is placement; check applicable boxes and provide case-specific reasons in A, B and, if applicable, C]:

The Court finds and determines that:

A. Best Interests Finding: Continuation in, or return to, the Respondent's home
Q would Q would not be contrary to Respondent's best interests based upon the following facts and for the following reasons [specify]:

This determination is based upon the following specific documents and evidence:

- ? Report of placement or other agency [specify]: _____, dated [specify]: _____
- ? Probation Department report, dated [specify]: _____
- ? Mental health evaluation, 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 Respondent from the home, and, if the Respondent was removed prior to the date of the hearing, to return the Respondent safely to his or her home:

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 Family Court Act §754(2) that the authorized agency was not required to make reasonable efforts to reunify the Respondent with the Q parent(s) Q person(s) legally responsible for Respondent's care [specify date of finding]:

Q because of other reasons [specify]:

Q were not made.

This determination is based upon the following specific documents and evidence:

- ? Report of placement or other agency [specify]: _____, dated [specify]: _____
- ? Probation Department report, dated [specify]: _____
- ? Mental health evaluation, dated [specify]: _____
- ? Testimony of [specify]: _____
- ? Other [specify]: _____

2. [Applicable in cases in which the Respondent's permanency plan is adoption, guardianship or permanent living arrangement other than reunification]:

Reasonable efforts to make and finalize the Respondent's permanency plan of [specify]:

have been made as follows [specify reasonable efforts, including specific documents or evidence supporting findings]:

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

This determination is based upon the following specific documents and evidence:

- ? Report of placement or other agency [specify]: _____, dated [specify]: _____
- ? Probation Department report, dated [specify]: _____
- ? Mental health evaluation, dated [specify]: _____
- ? Testimony of [specify]: _____
- ? Other [specify]: _____

C. Transitional Services Finding [Required where Respondent is 16 or older]:

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

NOW, therefore, it is hereby

ORDERED, that the Order of Disposition is vacated continued ; (and it is further)

ORDERED that [check applicable boxes]:

Respondent is discharged with a warning.

Judgment herein is suspended for a period of [specify]: _____ months upon the following terms and conditions [specify]:¹

Respondent is placed on probation under the supervision of the Probation Department of the County of [specify]: _____ for a period of [specify]: _____ upon the following terms and conditions:²

The probation service shall report to the court orally in writing on [specify date]: _____ and every ___ days thereafter concerning Respondent's compliance with the terms and conditions of this order.

¹ See 22 NYCRR §205.66(a), attached as Appendix A.

² See 22 NYCRR §205.66(b), attached as Appendix B.

Q This proceeding is continued and the Respondent is placed for a period of [specify]:
(less the period spent in detention pending disposition)³ in the custody of [specify suitable
relative or other person]: , subject to the further orders of this Court.

Q This proceeding is continued and Respondent is placed for a period of [specify period up to
12 months]: (less the period spent in detention pending disposition,)⁴ in the custody of
the Commissioner of Social Services of the County of [specify]: .

Q The position of the Commissioner of Social Services of the County of [specify]:
having been considered by the Court, this proceeding is continued and Respondent is placed for a period
of [specify period up to 12 months]: (less the period spent in detention pending
disposition,)⁵ 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. In the event that the Commissioner of Social Services is
unable to so place the child, the Commissioner [check applicable box]:

Q shall Q need not apply to the Court for an order to stay, modify, set aside or
vacate the order pursuant to Family Court Act § 762.

Q shall Q need not return Respondent to this Court for a new dispositional hearing.

[Required in all cases where child is placed with Commissioner of Social Services]:

**IT IS FURTHER ORDERED that, if the Respondent remains in foster care, the
Commissioner of Social Services shall file a petition for a permanency hearing NOT 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]:⁶**

(ORDERED, that

(and it is further)

).

³ Applicable unless all or part of such credit would not serve the needs and best interests of the Respondent. See F.C.A §756(b).

⁴ Applicable unless all or part of such credit would not serve the best interests of the Respondent. See F.C.A. §756(b).

⁵ Applicable unless all or part of such credit would not serve the best interests of the Respondent. See F.C.A. §756(b).

⁶ A petition for a permanency hearing shall be filed 60 days prior to the expiration of the placement .The permanency petition shall be combined with a petition for extension of placement pursuant to Family Court Act §756-a., unless the permanency hearing must be held sooner pursuant to Family Court Act §754(2).

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.

ENTER

Dated:

..

Judge of the Family Court.

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
PERMISSIBLE TERMS AND CONDITIONS OF A SUSPENDED JUDGMENT
[22 N.Y.C.R.R. § 205.66(a)]

(a) An order placing a juvenile on probation, suspending judgment entered pursuant to section 757 of the Family Court Act, shall be reasonably related to the adjudicated acts or omissions of the respondent and shall contain at least one of the following terms and conditions applicable to suspended judgments and at least on of the following additional terms and condition of probation, directing the respondent to:

1. attend school regularly and obey all rules and regulations of the school;
2. obey all reasonable commands of the parent or other person legally responsible for the respondent's care;
3. avoid injurious or vicious activities;
4. abstain from associating with named individuals;
5. abstain from visiting designated places;
6. abstain from the use of alcoholic beverages, hallucinogenic drugs, habit forming drugs not lawfully prescribed for the respondent's use, or any other harmful or dangerous substance;
7. cooperate with a mental health or other appropriate community facility to which the respondent is referred;
8. make restitution or perform services for the public good;
9. restore property taken from the petitioner, complainant or victim, or replace property taken from the petitioner, complainant or victim, the cost of said replacement not to exceed \$1,000;
10. repair any damage to, or defacement of, the property of the petitioner, complainant or victim, the cost of said repair not to exceed \$1,000;
11. abstain from disruptive behavior in the home and in the community;
12. cooperate in accepting medical or psychiatric diagnosis and treatment, alcoholism or drug abuse treatment or counseling services, and permit an agency delivering that service to furnish the court with information concerning the diagnosis, treatment or counseling;
13. attend and complete an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law;
14. comply with such other reasonable terms and conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct which gave rise to the filing of a petition.

APPENDIX B
PERMISSIBLE TERMS AND CONDITIONS OF PROBATION
(22 NYCRR 205.66(b))

(b) An order placing the respondent on in accordance with section 757 of the Family Court Act shall contain at least one of the following terms and conditions, in addition to any of the terms and conditions set forth in subdivision (a) of this section,⁷ directing the respondent:

1. meet with the assigned probation officer when directed to do so by that officer;
2. permit the assigned probation officer to visit the respondent at home or at school
3. permit the assigned probation officer to obtain information from any person or agency from whom the respondent is receiving or was directed to receive diagnosis, treatment or counseling;
4. permit the assigned probation officer to obtain information from the respondent's school;
5. cooperate with the assigned probation officer in seeking to obtain and in accepting employment and employment counseling services;
6. submit records and reports of earnings to the assigned probation officer when requested to do so by that officer;
7. obtain permission from the assigned probation officer for any absence from the county or residence in excess of two weeks;
8. attend and complete an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law;
9. do or refrain from doing any other specified act of omission or commission that, in the opinion of the court, is necessary and appropriate to implement or facilitate the order placing the respondent on probation.

⁷ See Appendix A.