

F.C.A. § 739

Form 7-3
(Person in Need of
Order

Supervision--
Directing Detention of Child)

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 Person Alleged to be a Person
In Need of Supervision,

ORDER DIRECTING
DETENTION OF
CHILD
(Post-Petition)

Respondent.

A petition under Article 7 of the Family Court Act, sworn to on _____,
having been filed in this Court alleging that the above-named Respondent is a person in need of
supervision; and

Respondent having been brought before this Court and a preliminary hearing having
been held, this Court finds that [Note: judicial findings must be made under both I and II below]:

I. Criteria for Detention [check one or both boxes]:

Detention of the Respondent is necessary pursuant to Family Court Act §739 because:

Q There is a substantial probability that Respondent will not appear in court on the
return date, based upon the following facts and for the following reasons [specify]:

Q There is a serious risk that Respondent may before the return date commit an act
which if committed by an adult would constitute a crime, based upon the following facts and for
the following reasons [specify]:

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

A. Continued placement in, or return to, the Respondent’s home [check applicable box]:
Q would Q would not be contrary to the Respondent’s best interests, based upon the following facts and for the following specific reasons [specify]:

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

- ? Probation Department report, dated [specify]:
- ? Mental health evaluation, dated [specify]:
- ? Testimony of [specify]:
- ? Other [specify]:

; AND

B. 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:

- ? Probation Department report, dated [specify]:
- ? Mental health evaluation, dated [specify]:
- ? Testimony of [specify]:
- ? Other [specify]:

NOW, therefore, it is hereby

ORDERED that Respondent is remanded to _____, to be detained pending further proceedings herein on _____; and it is further

ORDERED that the custodial authority produce Respondent on that date subject to further order of this Court; and it is further

ORDERED that in the event the child absconds from the above-named facility, written notice of that fact shall be given within 48 hours by an authorized representative of the facility to the Clerk of Court, stating the name of the child, the docket number of this proceeding, the date on which the child absconded, and the efforts made to locate and secure the return of the child. *See* 22 N.Y.C.R.R. §205.64.

ENTER

Judge of the Family Court

Dated: _____, _____.

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]: _____