

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 Commitment of
Guardianship and Custody pursuant to
section 384-b of the Social Services Law of

Docket No.

ORDER OF
DISPOSITION

(AND
A Child under the Age of Eighteen Years,
alleged to be a (Severely) (Repeatedly)
Abused Child
CHILD

PERMANENCY
HEARING) --SEVERE
OR REPEATED

ABUSE

**DEADLINE: IF THE CHILD REMAINS IN FOSTER CARE, A PETITION FOR THE NEXT
PERMANENCY HEARING MUST BE FILED NOT LATER THAN [SPECIFY]:¹**

A Petition under Section 384-b of the Social Services Law, dated [specify]: _____,
having been filed in this Court alleging that [specify]: _____ is
a [check one or both boxes]: severely repeatedly _____ abused child; and summons having
been issued and duly served upon and notice having been duly given to all proper parties hereto, 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(s) 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 ;

¹ 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).

failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;

The matter having duly come on for a fact-finding hearing , the Court, after hearing the proofs and the testimony offered in relation to the case, finds that the allegations that [specify Respondent(s)]:
(has) (have) [check one or both boxes]: severely repeatedly abused the child are supported by clear and convincing proof, and further finds that

The matter having duly come on for a dispositional hearing, and Respondent (s) having: appeared not appeared ; and Counsel for the Respondent(s) having appeared not appeared before this Court for the dispositional hearing; and

[Applicable in cases where guardianship and custody are committed to an authorized agency or where judgment is suspended]: The Court having determined that the following individual(s) would be entitled to notice of an adoption pursuant to Domestic Relations Law §111-a [specify name(s)]:

And the Court having determined that such person(s) had had not been provided with notice of the proceeding and that such person(s) had had not appeared;

[The following findings are required where a combined dispositional and permanency hearing have been held; delete if inapplicable]:

A. **Notice:** And notice having been duly given to the following person(s), who appeared as follows and were given an opportunity to be heard:

[specify; check applicable boxes]:

- Prospective adoptive parent(s)[specify]: with counsel without counsel
- Foster parent(s)[specify]: with counsel without counsel
- Relative(s)[specify]: with counsel without counsel
- Other [specify]: with counsel without counsel

This Court, having made examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions and capacities of the persons involved in this proceeding, finds and determines the following:

B. “Best Interests” Finding: Return of the child to the child's home [check applicable box]: would would not be contrary to the best interests of the child because [specify facts and reasons]:

This conclusion is supported by 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. “Reasonable Efforts” Findings:

1. 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]:

2. **[Required 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]:

were made as follows [specify]:

were not made based upon the following facts and for the following reasons [specify; if lack of efforts was reasonable, so indicate]:

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. Findings Regarding Transitional Services and Out-of-State Placements:

? **[Required if foster care of child 16 years of age and older is continued]:** The services needed, if any, to assist the child to make the transition from foster care to independent living are

[specify]:

? [Required if foster care placement of the child outside New York State is continued]:
Placement outside New York State is is not appropriate and in the child's best interests;

The Court having made examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions and capacities of the persons involved in this proceeding, finds, that the best interests of the child require the disposition hereinafter made;

NOW, therefore, it is

A. Dispositional Order

ORDERED AND ADJUDGED that [specify]:
is a [check applicable box]: severely repeatedly abused child as defined in subdivision eight of section 384-b of the Social Services Law; and it is
[Check applicable box(es)]:

ORDERED that the guardianship and custody rights of [specify]:
are transferred to [specify]: an authorized agency foster parent(s);
and such guardianship and custody of the child are committed to the authorized agency foster parent(s) upon the following terms and conditions [specify]:

And it is further ORDERED that [specify]: is authorized and empowered to consent to the adoption of the child subject to the order of a Court of competent jurisdiction to which a petition for adoption is submitted without the consent of or further notice to [specify]:
 the [specify relationship to the child]: ;

OR

ORDERED that judgment is suspended upon the following terms and conditions:²

B. Orders required where judgment is suspended and/or where permanency hearing is held [check box(es) if applicable]:³

1. Service Plan:

ORDERED that the service plan is appropriate should be modified as follows [specify]:

and shall be given by Petitioner to the parent(s),⁴ along with a copy of this Order.

² See 22 N.Y.C.R.R. §205.50, attached as Appendix A.

³ See 22 N.Y.C.R.R. §205.50(b), attached as Appendix A.

⁴ Required if judgment is suspended; inapplicable if parental rights are terminated.

2. Planning Conferences [Required if child is in foster care, unless parental rights have been terminated]:

Q ORDERED that the ? parent(s) shall be notified of the planning conference(s) to be held and of (his)(her)right to attend such conference(s) with counsel or other person;
(and it is further)

3. Visitation Plans [Required if child is in foster care; parental visitation plan must be described unless parental rights have been terminated]:

Q ORDERED that Petitioner shall provide the parent(s) with visitation with the child(ren) as follows [describe visitation plan]:
; (and it is further)

Q ORDERED that Petitioner shall provide the following sibling(s) [specify]:
with visitation with the child as follows [describe visitation plan]:
; (and it is further)

C. Additional Permanency Hearing Orders [Required where a combined dispositional/permanency hearing has been held; check applicable box(es)]:⁵

1. Permanency Plan:

Q ORDERED that the permanency plan for the child is:

- ? termination of parental rights and adoption by [specify date]:
- ? reunification with the ? parent(s) ? other person(s) legally responsible for the child's care by [specify date]:⁶
- ? referral for legal guardianship by [specify name and date]:
- ? permanent placement with the following fit and willing relative [specify]:
by [specify date]:
- ? permanent placement in the following alternative planned living arrangement [specify]:
upon documentation, available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child's best interests to return home, be referred for termination of parental rights and adoption, placed with a fit and willing relative, or placed with a legal guardian [specify compelling reason(s)]:

Q ORDERED that Petitioner's permanency plan for the child is:

- Q approved without modification;
- Q modified, as follows [check applicable boxe(s) and indicate time frame(s)]:

⁵ This section is not required if the hearing held was solely a dispositional hearing.

⁶ Applicable to disposition of suspended judgment.

Q ORDERED that if the above permanency plan for the above-named child is changed, notice shall be provided to the Court, the parties and the law guardian forthwith;
(and it is further)

2. Transitional Services: [Applicable in cases where the child is 16 years of age or older]:

Q ORDERED that the Petitioner is directed to provide the following services determined above to be needed to assist the child to make the transition from foster care to independent living [specify]:

; (and it is further)

3. Placement Outside New York State. [Required where the child is placed out-of-state]:

Q ORDERED that the placement of the child at [specify]: _____,
? is appropriate and in the child's best interests and is continued until [specify]: _____
? is not appropriate and in the child's best interests and the child shall, therefore, be returned to
New York State to be ? placed with [specify]: _____ until [specify]: _____
? discharged to [specify]: _____

; (and it is further)

D. Deadlines for Filing Permanency Petitions and Hearings [Required in all cases in which foster care placement is continued]:

ORDERED that if the child remains in foster care, Petitioner shall file a petition for the next permanency hearing **NO 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]: _____

(AND IT IS FURTHER ORDERED that _____).

ENTER

Judge of the Family Court

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.

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]: _____

APPENDIX A

UNIFORM RULES OF THE FAMILY COURT [22 NYCRR §205.50]

**§ 205.50 Terms and Conditions of Order in Accordance With Section 633
of the Family Court Act or Section 384-b(8)(c) of the Social Services Law**

(a) An order suspending judgment entered pursuant to section 631 of the Family Court Act or section 384-b(8)(c) of the Social Services Law shall be related to the adjudicated acts or omissions of respondent and shall contain at least one of the following terms and conditions requiring respondent to:

- (1) sustain communication of a substantial nature with the child by letter or telephone at stated intervals;
- (2) maintain consistent contact with the child, including visits or outings at stated intervals;
- (3) participate with the authorized agency in developing and effectuating a plan for the future of the child;
- (4) cooperate with the authorized agency's court-approved plan for encouraging and strengthening the parental relationship;
- (5) contribute toward the cost of maintaining the child if possessed of sufficient means or able to earn such means;
- (6) seek to obtain and provide proper housing for the child;
- (7) cooperate in seeking to obtain and in accepting medical or psychiatric diagnosis or treatment, alcoholism or drug abuse treatment, employment or family counseling or child guidance, and permit information to be obtained by the court from any person or agency from whom the respondent is receiving or was directed to receive such services;
- (8) satisfy such other reasonable terms and conditions as the court shall determine to be necessary or appropriate to ameliorate the acts or omissions which gave rise to the filing of the petition.

(b) The order shall set forth the duration, terms and conditions of the suspended judgment. A copy of the order, along with a current service plan, shall be furnished to the respondent. The order shall contain a written statement informing the respondent that a failure to obey the order may lead to its revocation and to the issuance of an order for the commitment of the guardianship and custody of a child. Where the child is in foster care, the order shall set forth the visitation plan for the child and the respondent, as well as for the child and his or her sibling or siblings, if any, and shall require the agency to notify the respondent of case conferences. The order shall further contain a determination in accordance with subdivision 12 of section 384-b of the Social Services Law of the existence of any person or persons to whom notice of an adoption would be required pursuant to section 111-b of the Domestic Relations Law and, if so, whether such person or persons were given notice of the termination of parental rights proceeding and whether such person or persons appeared.

(c) The court may set a time or times at which the respondent or the authorized agency caring for the child shall report to the court as to whether there is compliance with the terms and conditions of the suspended judgment.

(d) If a respondent fails to comply with the terms and conditions of an order suspending judgment made pursuant to section 631 of the Family Court Act or section 384-b(8)(c) of the Social Services Law:

- (1) a petition for the revocation of the order may be filed;
- (2) the petition shall contain a concise statement of the acts or omissions alleged to constitute noncompliance with the order;
- (3) service of a summons and a copy of the petition shall be made as provided for by section 617 of the F.C.A.
- (4) if, after a hearing, the court is satisfied that the allegations of the petition have been established, the court may modify, revise or revoke the order of suspended judgment.

(e) The court may at any time, upon notice and opportunity to be heard to the parties, their attorneys and the law guardian, revise, modify or enlarge the terms and conditions of a suspended judgment previously imposed.