

F.C.A. § 631
Soc. Serv. Law §631

Form TPR-2
(Commitment of
Guardianship
and Custody - Permanent
Neglect)

12/97

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____ New York,
on _____, 19____.

P R E S E N T:

Hon.
Judge

In the Matter of a Commitment of Guardian-
ship and Custody pursuant to §384-b of the
Social Services Law of

Docket No.

ORDER OF

DISPOSITION

A Child under the Age of Eighteen Years,
alleged to be a Permanently Neglected Child

A Petition under Article 6, Part 1 of the Family Court Act, dated the _____ day of _____, 19____, having been filed in this Court alleging that _____ is a permanently neglected child; and summons having been duly issued and duly served upon and notice having been duly given to all proper parties hereto; and

The matter having duly come on for a fact-finding hearing; and (parent(s) (custodian(s)) (having failed to appear) thereon, the Court, after hearing the proofs and the testimony offered in relation to the case, finds upon clear and convincing proof that the _____ of the child, (has) (have) permanently neglected the child; and

The matter having duly come on for a dispositional hearing and the (parent(s)) (custodian(s)) (having appeared) (having failed to appear) thereon, 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

ORDERED AND ADJUDGED that
is a permanently neglected child as defined by Article 6, Part 1 of the Family Court Act; and it is

[Delete inapplicable provisions]:

ORDERED that the guardianship and custody rights of
the parent(s) are transferred to _____, (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:)

;

and it is further

ORDERED that _____, an authorized agency, 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
the
of the child);

ORDERED that judgment is suspended upon the following terms and conditions:¹

ORDERED that a certified copy of this Order be filed in the Office of the Clerk of
County, pursuant to Section 384-b of the Social Services Law of the State of New York; and it is
further

ORDERED

¹See appendix A

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

J.F.C.

Dated: _____, 19 ____ .

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 - 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, and a copy thereof 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.

(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 Family Court Act;

(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.