

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

A Child under the Age of Eighteen Years,
alleged to be the Child of Mentally Ill or
Mentally Retarded Parents

(AND PERMANENCY
HEARING)
(MENTAL ILLNESS)
(MENTAL RETARDATION)

**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 the _____ day of _____, having been filed in this Court alleging that the parent(s) of [specify child]: (is) (are) unable by reason of [check applicable box(es)]: mental illness mental retardation to provide proper and adequate care for the 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 Respondent (s) having: appeared not appeared ; and Counsel for the Respondent(s) having appeared not appeared before this Court to answer said petition; and a guardian *ad litem* having been appointed and having appeared for the Respondent(s)[delete if inapplicable]; and

Respondent(s) having:

voluntarily, intelligently and knowingly admitted in open court that (s)he suffers from mental illness mental retardation;
 denied the allegations of the petition and the matter having duly come on for a fact-

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).

finding hearing before this Court ;

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

And the Court, after hearing the proofs and the testimony offered in relation to the case, including ? a physician and a certified psychologist ? a psychiatrist finds that the allegations of ? mental illness ? mental retardation are supported by clear and convincing proof; and

[Check box if applicable]:

? And 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]: 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 would 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 will be promoted by the disposition hereinafter made; and

NOW, THEREFORE, it is

A. Dispositional Order

ORDERED AND ADJUDGED that _____ is a child whose parent(s) (is) (are) presently and for the foreseeable future unable, by reason of (mental illness) (mental retardation) as defined by Section 384-b of the Social Services Law, to provide proper and adequate care; and it is

ORDERED that the guardianship and custody rights of _____, the parent(s), are committed to _____, ?an authorized agency ?foster parent(s), upon the following terms and conditions [specify]: _____ ; 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 [specify]: the [specify relationship]: _____ of the child); and it is further

B. Permanency Hearing Order [Required where a combined dispositional/permanency hearing has been held; check box(es) if applicable]:²

1. Permanency Plan:

Q ORDERED that the permanency plan for the child is:

? termination of parental rights and adoption by [specify date]:

? 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 box(es) and indicate time frame(s)]:

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

2. Service Plan:

Q ORDERED that the service plan ? is appropriate ? should be modified as follows [specify]:
; (and it is further)

3. 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)

4. 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)

5. 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. Deadlines for 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 _____).

ENTER

Judge of the Family Court

Dated: _____.

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]: _____