

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.

CIN#

(A) Child(ren) under Eighteen  
Years of Age Alleged to be

Abused  Neglected by

DETERMINATION  
UPON

FACT-FINDING

Abuse  Neglect

Severe Abuse

Repeated Abuse

Respondent(s)  
\_\_\_\_\_

**NOTICE: IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.**

**IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.**

**IF THE PETITION IS GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.**

**THE NEXT COURT DATE IS [specify date/time]:**

**THE PERMANENCY HEARING SHALL BE HELD ON [SPECIFY DATE/TIME]:<sup>1</sup>**

<sup>1</sup>Insert a date, in most cases the previously scheduled date, not more than eight months from removal of child or date of combined dispositional/permanency hearing, unless the petition is dismissed or the child has not been removed from home in which case no date needs to be set. If the child has been placed and the child has a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling's or half-sibling's permanency hearing, unless the sibling or half-sibling was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption.

The petition of [specify]: \_\_\_\_\_ under Article 10 of the Family Court Act, sworn to on [specify date]: \_\_\_\_\_, having been filed in this Court alleging that the above-named Respondent(s) [check applicable box(es)]:  neglected  abused  severely abused  repeatedly abused the above-named child(ren); and

Notice having been duly given to the Respondent(s) pursuant to section 1036 or 1037 of the Family Court Act; and

[Include separate paragraphs for each Respondent, as necessary]:

Respondent [specify]: \_\_\_\_\_ having:

- appeared  with counsel  without counsel  waived counsel
- not appeared after service  not appeared but service could not be made after every reasonable effort had been made to effect service;

Respondent [specify]: \_\_\_\_\_ having:

- appeared  with counsel  without counsel  waived counsel
- not appeared after service  not appeared but service could not be made after every reasonable effort had been made to effect service;

And Respondent [specify]: \_\_\_\_\_ 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 ;
- failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;
- voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, attorney for the child and all other parties having consented to the entry of such order of fact-finding as well;

And Respondent [specify]: \_\_\_\_\_ 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 ;
- failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;
- voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, attorney for the child and all other parties having consented to the entry of such order of fact- finding as well;

And where the parent(s) of the above-named child(ren) are not the Respondent(s), the parent(s) were:  present at the hearing and participated as interested party-intervenor(s);  served with a copy of the petition but did not appear;  were not served with a copy of the petition and did not appear; although:

every reasonable effort had been made to effect service;

And the child(ren) having been represented by (an) attorney(s);

And the following other interested party-intervenors were present and participated in the hearing [specify name(s) and relationship(s) to child(ren)]:

**[Required in ALL cases; check applicable boxes and attach General Form GF-32, if applicable]:**

And the Court having inquired as to whether the child may be a Native-American child who may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963], subject to the ultimate determination by the tribe or nation, the Court has determined the following:

A.  the Court has reason to believe that the child may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963], subject to the ultimate determination by the tribe or nation;

And the following having been duly notified [check applicable box(es)]:

parent/custodian       tribe/nation [REQUIRED]

United States Secretary of the Interior [REQUIRED if tribal contact undetermined];

And the tribe/nation having:

appeared and participated as a party;

appeared and declined to assume jurisdiction;

appeared and requested transfer of jurisdiction, which was  granted  denied;

not appeared;

And the required findings of fact and conclusions of law having been made pursuant to the *Indian Child Welfare Act* and **General Form GF-32** having been attached in an Addendum to this Order.

**OR**

B.  the Court does not have reason to believe that the child may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963].

**And the Court, after** [check box]

hearing the proofs and testimony offered in relation to the case

accepting the admission by Respondent [specify]:

and having found [check applicable box(es) and specify act(s) of abuse and/or neglect found, if any]:

by a preponderance of the evidence that Respondent [specify]:

committed the following acts                      constituting  child neglect  child abuse [specify act(s), including name(s) of the child(ren), the Penal Law section, if applicable, and grounds for determination]:

by a preponderance of the evidence that Respondent [specify]:

committed the following acts                      constituting  child neglect  child abuse [specify act(s), including name(s) of the child(ren), the Penal Law section, if applicable, and grounds for determination]:

**[Applicable only where severe or repeated abuse was alleged and Respondent was so advised]:**

by clear and convincing evidence that Respondent [specify]:  
 severely  repeatedly abused the child(ren) by committing the following act(s) that may form the basis to terminate parental rights [specify act(s), including the name(s) of the child(ren), the Penal Law section, if applicable; and grounds for determination]:

by clear and convincing evidence that Respondent [specify]:  
 severely  repeatedly abused the child(ren) by committing the following act(s) that may form the basis to terminate parental rights [specify act(s), including the name(s) of the child(ren), the Penal Law section, if applicable; and grounds for determination]:

**[Required findings in cases where the child(ren), who had NOT been ordered removed earlier in the case, is/are ordered removed pending final disposition; otherwise, skip I and II]:  
The Court finds and determines that:**

**I. Required "Best Interests" and "Reasonable Efforts" Findings for Newly-removed Children**

[check applicable boxes and provide case-specific reasons in both A and B, below]:

A. Continuation of the child(ren) in, or return of the child(ren) to, the child(ren)'s home

would  would not be contrary to the best interests of the child(ren) because [specify facts and reasons]:

This determination is based upon the following information [check applicable box(es)]:

- Petition
- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Testimony of [specify]:
- Other [specify]:

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home, and, if the child(ren) were removed without court order prior to the date of this hearing, to return them home safely [check applicable box and state reasons as indicated]:

were made as follows [specify]:

were not made but the lack of efforts were appropriate because of a judicial finding that the Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:

were not made.

This determination is based upon the following information [check applicable box(es)]:

- Petition
- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:

- Testimony of [specify]:
- Other [specify]:

**II. Findings Regarding Alternatives to Removal to Foster Care:**

A. Based upon the investigation conducted by the Commissioner of Social Service, [Check applicable box(es):

The following person [specify]:  
 is a  non-respondent parent  relative  suitable person  
 with whom the child(ren) may appropriately reside [specify]:

[Applicable to relatives and other suitable persons]: Such person:

- seeks approval as a foster parent in order to provide care for the child(ren);
- wishes to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein.
- may be a resource but not yet determined whether as a foster parent or custodian.

There is no non-respondent parent, relative or suitable person with whom the child(ren) may appropriately reside.

B. [Required]: Imminent risk to the child(ren)  would  would not be eliminated by the issuance of a temporary order of protection or order of protection directing the removal of [specify]: from the child(ren)'s residence.

**NOW, therefore, upon the findings made in the fact-finding hearing and upon all the proceedings had herein, it is**

ADJUDGED that facts sufficient to sustain the petition herein  have  have not been established, in that [specify]:

; and it is hereby

[Check applicable box(es); include separate paragraphs for each child as necessary]:

ADJUDGED that the above-named child(ren) (is) (are) (a)  neglected  abused  
 severely abused  repeatedly abused) child(ren) as defined in section 1012 of the  
 Family Court Act by [specify Respondent(s)]: ;

OR

ORDERED, that the petition filed herein be DISMISSED; and it is further

ORDERED that the child(ren) shall be temporarily removed from the place where the  
 child(ren) (is) (are) residing by any peace officer or agent of a duly authorized agency, society or  
 institution and that the child(ren) shall be brought to [specify]: pending  
 disposition of this proceeding; (and it is further)

ORDERED that the child(ren)(is)(are) released to the custody of [specify]: \_\_\_\_\_, the child(ren)'s  Respondent parent(s)  Non-respondent parent(s)  other person legally responsible for the child(ren)'s care, such release to be under the supervision of [specify, if applicable]: \_\_\_\_\_; (and it is further)

ORDERED that, pending further proceedings, the child(ren) shall be placed in the temporary custody of [check applicable box]:  
 the Commissioner of Social Services of \_\_\_\_\_ County;  
 the Commissioner of Social Services of \_\_\_\_\_ County to reside with [specify]: \_\_\_\_\_  
 the following non-respondent parent(s), relatives or other suitable person(s)[specify]: \_\_\_\_\_; (and it is further)

(and it is further)

ORDERED that the Commissioner of Social Services shall investigate whether there are any non-respondent parents, grandparents, other relatives or other suitable person(s) with whom the child(ren) may appropriately reside, including, but not limited to [specify]: \_\_\_\_\_; shall inform them of the pendency of the proceeding; shall ascertain whether such person(s) wish to seek approval as foster parent(s) in order to provide care for the child(ren) or wish to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein; and shall record the results of such investigation in the child's Uniform Case Record; \_\_\_\_\_;(and it is further)

ORDERED that, within 24 hours of this order, the Commissioner of Social Services shall commence an investigation of the following relatives or other suitable persons as foster parents and thereafter approve such person(s) to be foster parents, if qualified, and, if not, to report such fact to the Court, all parties and counsels, including the attorney for the child(ren), forthwith [specify]: \_\_\_\_\_

[Applicable where child in custody of Commissioner of Social Services]:

ORDERED that if the child absconds from the above-named custodial person or facility, written notice shall be given within 48 hours to the Clerk of Court by the custodial person or by an authorized representative of the facility, stating the name of the child, the docket number of this procedure, and the date on which the child ran away. \_\_\_\_\_; (and it is further)

[Applicable Where Child is Native-American]:

ORDERED that the following should be notified of this proceeding [specify]: \_\_\_\_\_ the  custodian of the child;  tribe/nation;  United States Secretary of the Interior

ORDERED that in light of the assumption of jurisdiction by the tribe/nation, this petition is DISMISSED WITHOUT PREJUDICE; (and it is further)

ORDERED that if the child remains in foster care or is directly placed pursuant to Sections 1017 or 1055 of the Family Court Act, a permanency hearing shall be held on [specify date certain]:<sup>2</sup> ; (and it is further)

ORDERED that

ENTER

\_\_\_\_\_

Dated:

Judge of the Family Court

**NOTICE: 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 OR ELECTRONIC TRANSMISSION OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.**

Check applicable box:

Order mailed or electronically transmitted on [specify date(s) and to whom sent:

\_\_\_\_\_  
 Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_

<sup>2</sup> Insert a date, in most cases the previously-scheduled date, not more than eight months from removal of child or date of combined dispositional/permanency hearing, unless the petition is dismissed or the child has not been removed from home in which case no date needs to be set. If the child has been placed and the child has a sibling or half-sibling removed from the home, whose permanency hearing is scheduled before this Court, the date certain shall be the same as the date certain for the sibling's or half-sibling's permanency hearing, unless the sibling or half-sibling was removed on a juvenile delinquency or PINS petition or unless he or she has been freed for adoption.