

F.C.A. § 355.1

Form 3-48
(Juvenile Delinquency–
Close to Home - Order on Petition to
Modify Placement)
1/2026

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

PRESENT:
Hon. _____
Judge

In the Matter of _____

Docket No.
CLOSE TO HOME--
ORDER ON PETITION TO
MODIFY PLACEMENT

A Person Alleged to be a
Juvenile Delinquent,

Respondent.

A petition, dated the _____ day of _____, _____, having been filed on behalf of the Commissioner of the New York State Office of Children and Family Services (NYS OCFS) in this Court requesting that the Court transfer custody of the above-named Respondent to the New York City Administration for Children’s Services for placement in a non-secure level of care pursuant to the “Close to Home” plan approved by NYS OCFS;

And notice having been duly given to Respondent, Respondent’s attorney and [check applicable box]: Respondent's parent(s) the person(s) legally responsible for the Respondent's care pursuant to section 355.1 of the Family Court Act;

And the Respondent having [check all applicable box(es)]:

- appeared not appeared before this Court to answer the petition;
- not objected objected to the relief requested in this petition;

And counsel for Respondent having appeared not appeared but contacted the Court regarding Respondent’s position not appeared;

[Check box(es) if applicable]: And notice having been given by Court order to the New York City: Administration for Children's Services presentment agency;

[The following paragraph applies only to petitions filed on or after Nov. 30, 2012; check box if applicable]:

And notice having been duly given to the presentment agency and the New York City Administration for Children's Services and the presentment agency and the New York City Administration for Children's Services having both been given an opportunity to be heard on the petition;

And a hearing on this petition having [check applicable box(es)]:

- been held in light of: Respondent's objection to the relief requested;
- the need for information not submitted in or with the petition;
 - [Applicable only to petitions filed on or after Nov. 30, 2012]:
a request by the presentment agency and/or the New York City Administration for Children's Services and ;
- not been held in light of Respondent's consent to the relief requested;

NOW, therefore, the Court, after examining the petition and papers filed herein and after considering the testimony and evidence adduced at the hearing, if a hearing was held, finds and determines that [check applicable box]:

The petition to transfer custody of the Respondent from the New York State Office of Children and Family Services to the New York City Administration for Children's Services for a non-secure level of care is **GRANTED** and Respondent is placed in the custody of the New York City Administration for Children's Services for a non-secure level of care for [specify period remaining in Respondent's placement]: less the period spent in detention pending determination of this Petition or during which the placement was tolled,¹

OR

The petition to transfer custody of the Respondent from the New York State Office of Children and Family Services to the New York City Administration for Children's Services for a non-secure level of care is **DENIED** because placement with the New York State Office of Children and Family Services is necessary and consistent with the needs and best interests of the Respondent and the need for the protection of the community for the following reasons [specify]:

¹ Applicable unless all or part of such credit would not serve the best interests of the Respondent or the need for protection of the community. See F.C.A. §353.3(5). Note that in all placement cases, the placement period may be tolled by reason of the Respondent's absence without leave.

AND IT IS FURTHER ORDERED THAT [check applicable box(es)]:

[OPTIONAL if petition is GRANTED]:

The Respondent, who has been or will be placed on aftercare, community supervision or conditional release status as of [specify date]: _____, may remain in such status during the remainder of the period of placement, absent a determination by the New York City Administration for Children's Services that Respondent has violated the conditions or that there has been a change in circumstances;

[OPTIONAL if petition is GRANTED]:

The Commissioner of the New York City Administration for Children's Services is directed to provide the following services, authorized or required to be made available in the approved plan for the "Close to Home" program, to meet the needs of the Respondent [specify services; note: if the Respondent has been found to be sexually exploited, as defined in Social Services Law §447-a, so indicate if Respondent needs the services afforded by an available long-term safe house]:

[OPTIONAL if petition is GRANTED and Respondent is 16 years of age]:

The placement agency is directed to provide the following services determined to be needed to assist the child to make the transition from foster care to independent living [specify]:

[OPTIONAL if petition is GRANTED and Respondent is placed upon adjudication for an act which, if committed by an adult, would be a felony]:

Respondent shall be confined in a residential facility for a minimum period of [specify minimum period not to exceed six months, minus the time already spent in a residential facility]:

[REQUIRED if petition is GRANTED]:

The Commissioner of the New York City Administration for Children's Services is directed to provide prior notice to the Respondent, attorney for the Respondent and Respondent's parent or guardian in the event that Respondent is transferred from one facility to another, unless an immediate change of placement is necessary, in which case the notice shall be transmitted on the next business day.

[REQUIRED if petition is GRANTED; see Family Court Act §355.4]:

Respondent's parent or legal guardian was present in Court and consented to the provision of routine medical, dental and mental health services and treatment to the Respondent by the New York City Administration for Children's Services;

OR

Consent has not been obtained from Respondent's parent or legal guardian, but this Order shall be deemed to grant consent for the New York City Administration for Children's

Services to provide routine medical, dental and mental health services and treatment to the Respondent.

[REQUIRED if petition is GRANTED]:

If the Respondent remains in the custody of the New York City Administration for Children’s Services, the New York City Administration for Children’s Services shall file a petition for the next permanency hearing pursuant to Family Court Act §355.5 NO LATER THAN [specify date not less than 60 days before permanency hearing must be completed]: and the permanency hearing shall be completed by [specify date]:

And it is further ORDERED that:

Date: _____ , _____ .

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 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]:
