

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 Application for
Approval of an Instrument concerning

Docket No.

CIN # _____
Pursuant to Section 358-a of the
Social Services Law

TEMPORARY
ORDER APPROVING
PLACEMENT
INSTRUMENT

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 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]: 1

The petition of an authorized official of the Department of Social Services for [specify]:
County, New York City Administration for Children’s Services,
dated [specify]: _____, having been filed with this Court requesting that pending any
hearing that the Court may require, a temporary order be made approving the transfer of custody and
care of the child to the Petitioner, pursuant to Section 358-a(5) of the Social Services Law; and it
appearing that a hearing is required and an immediate hearing on notice is impractical;

¹ The permanency hearing must be scheduled for a date certain not more than eight months from the date of removal of the child from home. If 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 permanency hearing shall be cancelled.

[Required findings; check applicable boxes and provide case-specific reasons in A , B and C and, if applicable, D, below]:

The Court finds and determines:

A. The [check applicable box]: parent(s)[specify]: guardian(s) [specify]:
of the child are unable to make adequate provision for the care, maintenance and supervision of the child in the child's own home, based upon the following facts and for the following reasons [specify facts and reasons, including specific documents or evidence supporting findings]:

B. Continuation of the child in, or 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 determination is supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

C. Reasonable efforts, where appropriate, to prevent or eliminate the need for placement, and, if the child was removed prior to the date of the hearing, 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 supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

D. [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.

This determination is supported by the following information [check applicable box(es)]:

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

E. [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].

F. Findings if approval of placement in a Qualified Residential Treatment Program (QRTP) is requested: [DELETE if inapplicable]:

This Court, upon examination of the motion papers and supporting affidavit(s); the Qualified Individual's written assessment of the appropriateness of the requested placement; and any response thereto, including [specify]: ; and [specify other information considered]:

; and upon hearing testimony in relation thereto upon consent of all parties without a hearing, finds the following [check applicable box(es)]:

A. The needs of the child can cannot be met through placement in a foster family home because [specify facts and reasons]:

B. Placement of the child in a Qualified Residential Treatment Program (QRTP) does does not provide the most effective and appropriate level of care for the child in the least restrictive environment because: [specify facts and reasons]:

C. Placement in [specify name of QRTP]:
 is is not consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan because [specify facts and reasons]:

D. Where the Qualified Individual has determined that the placement of the above-named child in the Qualified Residential Treatment Program (QRTP) is not appropriate, the Court nevertheless finds:

Circumstances exist that necessitate the continued placement of the above-named child in the Qualified Residential Treatment Program (QRTP) as follows [specify facts and reasons]:

There is not an alternative setting available that can meet the above-named child's needs in a less restrictive environment; **and**

Continued placement in the Qualified Residential Treatment Program (QRTP) is in the child's best interests because [specify facts and reasons]:

NOW, therefore, upon the basis of the instrument and the allegations of the petition, it is hereby

ORDERED that pending a hearing and determination of this matter, the temporary care and custody of the child is transferred to the Department of Social Services for [specify]:
County, New York City Administration for Children's Services; and it is further

[REQUIRED if Native-American Child; check box(es) if applicable]:

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)

**[Required if placement in a Qualified Residential Treatment Program (QRTP) is requested:
 Required Order if Placement in "Qualified Residential Treatment Program" is Requested
[DELETE if inapplicable]:**

after examination and inquiry into the facts and circumstances [check box if applicable]: and after hearing the proof and testimony offered in relation thereto, it is therefore [Check applicable box(es)]:

ORDERED, that the Petitioner's application for placement of the child in the "Qualified Residential Treatment Program" is GRANTED, and placement of the child in [specify name of QRTP]: _____ is hereby approved.

OR

ORDERED, that the Petitioner's application for placement of the child in the "Qualified Residential Treatment Program" is DENIED, and on or before [specify date]: _____

the above-named child shall be [check applicable box and specify]:

returned or released to the following parent [specify]: _____

returned to or placed with the following legal guardian [specify]: _____

returned to or placed with the following suitable adult/relative [specify]: _____

returned to or placed in the following foster home [specify]: _____

returned to or placed in the following facility providing supports for pre-natal, post-partum and parenting youth: (specify): _____

returned to or placed in the following residential program providing supportive services for youth suspected of being or at risk of becoming sexually exploited, as defined in Social Services Law §447-a (1) [specify]: _____

returned or placed in an available supervised setting, as defined in Social Services Law §371, that is approved and supervised by an authorized agency or the local social services district and that provides a transitional experience for older youth in which such youth may live independently [specify]: _____

OR

On or before [specify date]: _____, Petitioner shall make such other arrangements for the above-named child's care and welfare that is in the best interests of the child and in the most effective and least restrictive setting as the facts of the case require as follows [specify]: _____

ORDERED that this matter be set down for hearing on [specify date/time]: _____

ENTER

Judge of the Family Court

Dated: _____, _____.

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]: _____