

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.

CIN #
A Child under Eighteen Years
of Age Alleged to be
 neglected abused by

ORDER (Violation of
Order of Disposition)

Respondent(s)
.....

**NOTICE: WILLFUL FAILURE TO OBEY THE TERMS AND CONDITIONS OF THIS
ORDER MAY RESULT IN COMMITMENT TO JAIL FOR A TERM NOT TO
EXCEED SIX MONTHS.**

**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 NEXT PERMANENCY HEARING SHALL BE HELD ON [specify date/time]:¹

The above-named child(ren) having been adjudicated to be [check applicable box(es)]:

¹If child has been placed, specify a date certain, in most cases the previously-scheduled date, not more than eight months from removal of the child from home or not more than six months from the completion of the most recent permanency hearing. No date needs to be set if: (i) the petition is dismissed; or (ii) the child has not been removed from home; or (iii) has been finally discharged from care; or (iv) custody or guardianship was ordered pursuant to Family Court Act Article 6. 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.

neglected abused severely abused repeatedly abused within the meaning of Article 10 of the Family Court Act;

And an Order of Disposition dated [specify]: _____, having been made in this court requiring the following Respondent(s) [specify]: _____ to comply with the terms and conditions of an Order of [check applicable box(es)]:
 Suspended Judgment Protection Supervision Placement.

And a motion, order to show cause or petition having been filed alleging that the Order of Disposition has been violated and notice having been duly given to the Respondent(s);

And Respondent(s) [specify]: _____ having:²
 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 not appeared but counsel appeared;

And Respondent(s) having:

voluntarily, intelligently and knowingly admitted in open court that (s)he committed the following act(s) in violation of the Order of Disposition [specify]:

denied the allegations of the petition and the matter having duly come on for a hearing before this Court ;

not appeared and the matter having duly come on for a fact-finding hearing by inquest before this Court;

[Required in cases involving Native-American children; check if applicable]:

And the following having been duly notified [check applicable box(es)]:
 parent/custodian tribe/nation United States Secretary of the Interior;

And the tribe/nation having: appeared and participated as a party;
 appeared and declined to assume jurisdiction;
 appeared and requested transfer of jurisdiction;
 not appeared;

And the Court, after [check box]: hearing the proof and testimony offered in relation to the case; accepting the admission by Respondent(s) [specify]:

finds and determines by competent proof that the following Respondent(s) [specify]:

willfully and without just cause disobeyed and failed to obey the Order in that [specify provision(s) of order violated and nature of violation]:

did not willfully and without just cause violate the Order.

[Applicable only where the Court determined that the Respondent(s) violated the Order;

² Insert separate paragraphs for each Respondent, if necessary.

DELETE IF INAPPLICABLE]:

And the matter having thereafter duly come on for a dispositional hearing before the Court,

[Applicable only where hearing was consolidated with hearing of Family Court Act Article 6 custody or guardianship petition, pursuant to Family Court Act §1055-b; DELETE IF INAPPLICABLE]:

And the hearing having been consolidated with the custody guardianship petition, Docket # [specify]:

[Required findings in cases where the child(ren), who had NOT been ordered removed earlier in the case, is/are ordered removed and/or placed; otherwise, skip I and II and, if child remains in foster care, go to III]:

The Court finds and determines that:

I. Required “Best Interests” and “Reasonable Efforts to Prevent Removal” Findings [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 him/her/them 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 Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:
 - because of other reasons [specify]:
- 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.

III. Required Findings Regarding Transitional Services and Out-of-State Placements:

[Required regarding child(ren) who will reach 14 years of age before the next permanency hearing]: The services, if any, needed to assist the child(ren) to make the transition from foster care to independent living are [specify]:

[Required regarding child(ren) placed outside New York State]: Placement outside New York State is is not appropriate, necessary and in the child's best interests;

NOW, therefore, it is hereby

A. Order of Fact-finding or Dismissal of Violation:

- ORDERED that the Order of [check applicable box(es)]: Suspended Judgment
- Protection Supervision Placement is hereby REVOKED;
- OR
- ORDERED that the Petition for Violation of Order of Disposition is DISMISSED

and the Order of Disposition is continued;

(and it is further)

B. Order of Disposition of the Violation [Required where Order of Disposition is revoked; check applicable box(es)]:

And it is further

ORDERED that the child(ren) (is) (are) released to the custody of the Respondent(s)

with without supervision of a child protective agency, social services official, or duly authorized agency;

upon the following terms and conditions to be met by Respondent(s) [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

ORDERED that judgment against the Respondent(s) is hereby suspended for a period of [specify]: months upon the following terms and conditions:³

ORDERED that the Respondent(s) herein (is) (are) placed under the supervision of [specify]: for a period of [specify]:

upon the following terms and conditions to be met by Respondent(s) [specify]:⁴

upon the terms and conditions specified in the annexed Family Treatment Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child protective agency, social services official or duly authorized agency [specify]:

ORDERED that [specify Respondent(s)]: (is)(are) required to comply with the terms and conditions specified in the order of protection annexed to this order and made a part thereof, during which period the custody of the child(ren) is awarded to [specify]: ;

ORDERED that the child(ren) (is) (are) placed in the custody of the Commissioner of Social Services of [specify]: County,

[Check box(es), if applicable]:

to reside with [specify authorized agency or facility, if any]:

³ See 22 N.Y.C.R.R. §205.83, attached as Appendix A. An order of suspended judgment may NOT be combined with an order of placement or an order releasing a child to a parent under supervision.

⁴ See 22 N.Y.C.R.R. §205.83, attached as Appendix A.

to reside in foster care with [specify relative or other suitable person]:⁵
until the completion of the next permanency hearing, scheduled for the date certain
indicated in this order, subject to the further orders of this Court, for the following
reasons [specify]:

and, during the period of such placement, Respondent(s)[specify]:
are to remain under the supervision of a child protective agency, social services
official, or duly authorized agency:

upon the following terms and conditions to be met by Respondent(s)
[specify]:

upon the terms and conditions specified in the annexed Family Treatment
Court agreement, dated [specify]:

upon the performance of the following supervisory actions by the child
protective agency, social services official or duly authorized agency [specify]:

ORDERED that the Commissioner of Social Services is authorized to discharge the
child(ren) from the Commissioner's care to the Respondent(s) without further court
hearing, provided that written notice is provided to the Court and attorney for the child
not less than 10 days in advance of the discharge.

[Check box if applicable]:⁶ ORDERED that the Commissioner of Social Services
 may discharge the child(ren) on a trial basis or continue such a discharge until the
earlier of the completion of the next Permanency Hearing or further Order of the Court
 may not discharge the child(ren) on a trial basis to the physical custody of
Respondent(s) [specify]:
 may only discharge the child(ren) on a trial basis to the physical custody of
Respondent(s) [specify]: _____, upon the following event(s) or
condition(s) [specify]:

[Applicable to child(ren) aging out of foster care; check box if applicable]:⁷ ORDERED
that the Commissioner of Social Services

⁵ The relative or suitable person must be approved or certified as a foster parent.

⁶ If neither box is checked, the Commissioner is authorized to discharge the child(ren) on a trial basis to the
Respondent(s), with the legal care and custody remaining with the Commissioner. Permanency hearings must be
scheduled and held in all trial discharge cases. If the child(ren) is/are 18 years of age or older, the child(ren) must
consent to any trial discharge.

⁷ If neither box is checked, the Commissioner is authorized to discharge the child(ren) on a trial basis to
another planned permanent living arrangement, with the legal care and custody remaining with the Commissioner.
Permanency hearings must be scheduled and held in all trial discharge cases. If the child(ren) is/are 18 years of age
or older, the child(ren) must consent to any trial discharge.

- may not discharge the child(ren) on a trial basis to another planned permanent living arrangement;
- may only discharge the child(ren) on a trial basis to the following planned permanent living arrangement [specify, including significant connections to an adult willing to be a permanent resource]:
upon the following event(s) or condition(s) [specify]:

[Applicable to children 18 and over who consent to a trial discharge]:

- The Commissioner of Social Services:
 - shall discharge the child(ren) on a trial basis
 - shall continue or extend the trial discharge of the child(ren)
 - may continue or extend the trial discharge of the child(ren)to another planned permanent living arrangement until the earlier of the next permanency hearing, further Order of the Court OR the child(ren)'s 21st birthday(s).

[Applicable where child(ren) is/are placed directly in the custody of relative or suitable person pursuant to Family Court Act §1055]:

- ORDERED that, pursuant to Family Court Act §1055, the child(ren) (is) (are) placed directly in the custody of [specify relative or other suitable person]:

,
who has consented to the jurisdiction of this Court, until the completion of the next permanency hearing, scheduled for the date certain indicated in this order, subject to the further orders of this Court, for the following reasons [specify]:

Applicable to children placed pursuant to F.C.A. §1055]:

- ORDERED that, during the pendency of the placement, the local Commissioner of Social Services shall supervise the placement and shall provide the following services to the relative or suitable person and the child(ren) [specify, if any]:

and the relative or other suitable person shall comply with the following terms and conditions [specify]:

- 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.

- ORDERED that [specify]:
, a social services official a duly authorized agency, undertake diligent efforts to encourage and strengthen the parental relationship, including encouraging and facilitating visitation with the child by the parent or other person legally responsible, and encourage and facilitate visitation with the child by any non-custodial parent or grandparent who has obtained an order pursuant to F.C.A. §1081 and by the child(ren)'s siblings. Such efforts shall include, but are not limited to, the following [specify]:

- ORDERED that the Commissioner of Social Services authorized agency [specify]:
is directed to file termination of parental rights petitions regarding the
following child(ren)[specify]:
against the following respondent(s) [specify]:
within 90 days of the entry of this order.

- ORDERED that the parent(s) person(s) legally responsible for the care of the
child(ren) (is) (are) hereby directed to pay to [specify]: _____ during the
period of placement of the child(ren) the sum of \$ _____ per _____ for the
support of the child(ren).

- 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;

- ORDERED 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, forthwith [specify]:

- ORDERED that the child(ren) (is)(are) directed to be placed together with the following
siblings or half-siblings [specify]:

- ORDERED that the Commissioner of Social Services is directed to investigate the
appropriateness of placing the child(ren) with the following siblings or half-siblings
[specify]:

[REQUIRED for all dispositions other than placement pursuant to Family Court Act §1055]

ORDERED that, not later than 60 days prior to the expiration of this order, the
Commissioner of Social Services shall report to the Court, the attorney for the child(ren), the parties,
their attorneys and the non-respondent parent(s) on the status and circumstances of the child(ren) and
family and any actions contemplated, if any, by the agency with respect to the child(ren) and family;
and it is further

**[Applicable where dispositional hearing is consolidated with custody or guardianship hearing
under Article 6 of the Family Court Act in accordance with Family Court Act §1055-b]:**

- The Court having adjudged that [findings are REQUIRED under (i), (ii) and (iii), below]:
 - (i) custody guardianship of the following child(ren)[specify]:
by [specify relative(s) or suitable person(s)]:

will provide a safe and permanent home for the child(ren);

(ii) [Check one of the following boxes]:

all parties, including the attorney of the child(ren) and any foster parent who has had custody of the child in excess of one year, have consented to such custody or guardianship;

OR

the following parent(s)[specify]: _____ have not consented but this Court has found extraordinary circumstances supporting custody or guardianship; and

(iii) the safety of the child(ren) will not be jeopardized if the respondent(s) are no longer under the jurisdiction of this Court on this petition and are not receiving services or supervision, it is, therefore,

ORDERED that [specify relative(s) or suitable person(s)]: _____ is/are appointed guardian granted custody of [specify child(ren)]: _____ pursuant to an Order granted on Docket # [specify]: _____, dated [specify]: _____ thereby terminating the jurisdiction of this Court over this proceeding; and it is

further

[Check box if applicable]: ORDERED that the following local department of social services [specify]: _____

and the following attorney for the child(ren)[specify]: _____ shall be notified and shall be made parties to any subsequent proceedings for modification, enforcement or termination of the Order;

[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)

[Applicable in all cases where child(ren) (is)(are) placed with Commissioner of Social Services]:

1. Transitional Services [Applicable to children who will attain the age of 14 years of age or older prior to the next permanency hearing]:

ORDERED that the Petitioner is directed to provide the following services and assistance to the child(ren) to make the transition from foster care to independent living [specify]: _____ ; (and it is further)

2. Out-of-State Placement [Required for children placed out-of-state]:

ORDERED that the placement of the child(ren) [specify]: _____ at [specify]: _____

is appropriate and in the child's best interests and is continued until completion of the next permanency hearing scheduled for a date certain in this order;

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]: _____ discharged to [specify]: _____ ; (and it is further)

3. Progress Reports and Notices:

ORDERED that Petitioner shall make a progress report to the Court, the parties and the attorney for the child(ren) on the implementation of this order as follows [specify date and/or frequency]:

ORDERED that if the above permanency plan for the above-named child(ren) is changed, notice shall be provided to the Court, the parties and the attorney for the child forthwith, (and it is further)

4. Duty to Disclose Changes in Mailing Address [Required]

ORDERED that the Respondent parent(s) or other person(s) legally responsible for the child(ren)'s care are required to notify the local social services district or agency of any change of mailing address; (and it is further).

5. Planning Conferences [Required]

ORDERED that the parent(s) other person(s) legally responsible for the child(ren)'s care shall be notified of the planning conference(s) to be held and of (his)(her)right to attend such conference(s) with counsel or other person; (and it is further)

6. Visiting Plans [Required]

ORDERED that Petitioner shall provide the parent other person(s) legally responsible for the child(ren)'s care with visitation with the child(ren) as follows [describe visiting plan]: and the parent(s) guardian(s) shall visit in accordance with the plan; (and it is further)

[REQUIRED in all cases in which placement is ordered with the Commissioner of Social Services or directly with a relative or other suitable person]:

Date Certain for Next Permanency Hearing

ORDERED that if the child(ren) remain(s) in foster care or in placement with a relative or other suitable person, the next permanency hearing shall be held on [specify date/time]:⁸

Petitioner shall transmit notice of the hearing and a permanency report no later than 14 days in advance of the above date certain to Respondent and Non-respondent parents, other parties, attorneys, the attorney for the child(ren) and any pre-adoptive parents or relatives providing care to the child(ren) and shall transmit notice of the hearing to former foster parent(s) who have had care of the child(ren) in excess of 12 months, , except [specify former foster parents for whom such notice would be contrary to child(ren)'s best interests; delete if inapplicable]:
; (and it is further)

ORDERED

ENTER

Judge of the Family Court

⁸ See Footnote 1.

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 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 on [specify date(s) and to whom mailed]: _____

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

APPENDIX A [22 NYCRR §205.83]

§ 205.83 Terms and Conditions of Order in Accordance With Sections 1053, 1054, and 1057 of the Family Court Act (Child Protective Proceeding)

(a) An order suspending judgment entered pursuant to section 1052 of the Family Court Act shall, where the child is in foster care, set forth the visitation plan between respondent and the child and between the child and his or her sibling or siblings, if any, and shall require the agency to notify the respondent of case conferences. A copy of the order, along with the current service plan, shall be furnished to the respondent. Any order suspending judgment shall contain at least one of the following terms and conditions that relate to the adjudicated acts or omissions of the respondent, directing the respondent to:

(1) refrain from or eliminate specified acts or conditions found at the fact-finding hearing to constitute or to have caused neglect or abuse;

(2) provide adequate and proper food, housing, clothing, medical care, and for the other needs of the child;

(3) provide proper care and supervision to the child and cooperate in obtaining, accepting or allowing medical or psychiatric diagnosis or treatment, alcoholism or drug abuse treatment, counseling or child guidance services for the child;

(4) take proper steps to insure the child's regular attendance at school;

(5) cooperate in obtaining and accepting medical treatment, psychiatric diagnosis and treatment, alcoholism or drug abuse treatment, employment or counseling services, or child guidance, and permit a child protective agency to obtain information from any person or agency from whom the respondent or the child is receiving or was directed to receive treatment or counseling.

(b) An order pursuant to section 1054 of the Family Court Act placing the person to whose custody the child is released under the supervision of a child protective agency, social services officer or duly authorized agency, or an order pursuant to section 1057 placing the respondent under the supervision of a child protective agency, social services official or authorized agency, shall contain at least one of the following terms and conditions requiring the respondent to:

(1) observe any of the terms and conditions set forth in subdivision (a) of this section;

(2) cooperate with the supervising agency in remedying specified acts or omissions found at the fact-finding hearing to constitute or to have caused the neglect or abuse;

(3) meet with the supervising agency alone and with the child when directed to do so by that agency;

(4) report to the supervising agency when directed to do so by that agency;

(5) cooperate with the supervising agency in arranging for and allowing visitation in the home or other place;

(6) notify the supervising agency immediately of any change of residence or employment of the respondent or of the child;

(7) do or refrain from doing any other specified act of omission or commission that, in the judgment of the court, is necessary to protect the child from injury or mistreatment and to help safeguard the physical, mental and emotional well-being of the child;

(C) When an order is made pursuant to sections 1054 or 1057 of the Family Court Act:

(1) the court shall notify the supervising agency in writing of its designation to act and shall furnish to that agency a copy of the order setting forth the terms and conditions imposed;

(2) the order shall be accompanied by a written statement informing the respondent that a willful failure to obey the terms and conditions imposed may result in commitment to jail for a term not to exceed six months;

(3) the court may, if it concludes that it is necessary for the protection of the child, direct the supervising agency to furnish a written report to the court at stated intervals not to exceed six months setting forth whether, and to what extent:

(i) there has been any alteration in the respondent's maintenance of the child that is adversely affecting the child's health or well-being;

(ii) there is compliance with the terms and conditions of the order of supervision;

(iii) the supervising agency has furnished supporting services to the respondent.

(d) A copy of the order setting forth its duration and the terms and conditions imposed shall be furnished to the respondent.