

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.  
ORDER ON  
APPLICATION FOR  
RETURN OF CHILD  
TEMPORARILY  
REMOVED FROM HOME

CIN#  
(A) Child(ren) under the Age of  
Eighteen Years Alleged to be  
Abused Neglected by

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>**

An application having been made pursuant to Family Court Act §1028 for an order returning the child(ren) to the place of residence of such child(ren) by [specify]: \_\_\_\_\_,

\_\_\_\_\_  
<sup>1</sup>Specify a date certain not more than eight months from the date of removal. 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 been freed for adoption. If the child is finally discharged from care on the scheduled date, the permanency hearing shall be cancelled.

who (is)(are) the [specify]:  parent(s);  person(s) legally responsible for the child(ren);  
 attorney for the subject child(ren);

And the child (ren) having been removed prior to this hearing pursuant to Family Court Act [check applicable box(es)]:  §1021  §1022  §1024  §1027;

And a hearing having been held by this Court pursuant to Family Court Act § 1028; and the following person(s) having appeared to determine whether the child(ren) should be returned pending a final order of disposition [specify; check applicable boxes]:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Respondent [specify]:       | <input type="checkbox"/> with counsel                     | <input type="checkbox"/> without counsel |
|  | <input type="checkbox"/> waived representation by counsel |  |
| <input type="checkbox"/> Respondent [specify]:       | <input type="checkbox"/> with counsel                     | <input type="checkbox"/> without counsel |
|  | <input type="checkbox"/> waived representation by counsel |  |
| <input type="checkbox"/> Other [specify]:            |   |  |
| <input type="checkbox"/> Attorney for the child(ren) |   |  |
| <input type="checkbox"/> Petitioner                  |   |  |

**[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;

**The Court finds and determines that [Note: judicial findings must be made under I, and, if application for return of child temporarily removed is DENIED, also under II and III ]:**

I. Criteria for Return or Continued Temporary Removal of Child(ren) [check applicable box]:

The child(ren) should be returned home because no imminent risk to the child(ren)'s life or health has been demonstrated.

OR

Continued temporary removal of the child(ren) is necessary to avoid imminent risk to the child(ren)'s life or health.

II. Required "Best Interests" and "Reasonable Efforts" 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 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 was appropriate [check all applicable boxes]:
    - because of a prior judicial finding pursuant to F.C.A. §1039-b 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]:

III. 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 at this time.  
 may be a resource but not yet determined whether as 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, it is** [ check applicable box(es)]:

ORDERED that the application for the return of the children is hereby

- GRANTED, and [specify]: , a duly authorized agency is directed to return the above- named child(ren) to the Respondent(s).

OR

DENIED; (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)

ORDERED that:  Hospital [specify]:  Physician [specify]:  
is hereby authorized to provide such emergency medical or surgical procedures for the child(ren)  
as may be necessary to safeguard the child(ren)'s life or health; (and it is further)

[Required in child abuse cases unless petition commenced on the basis of medical  
examination and discretionary in child neglect cases, pursuant to FCA §1027(g)]:

ORDERED that the child undergo a medical examination, pursuant to Family Court Act  
§251 by the following physician [specify]: , which shall include the  
taking of colored photographs and, if appropriate, a radiological examination, the results of  
which, along with the photographs, shall be submitted to the Court;

ORDERED that colored photographs be taken of areas of visible trauma to the child, if  
any; (and it is further)

ORDERED that the child protective agency  provide  arrange for the provision of  
the following appropriate services or assistance to the child(ren) and to the child(ren)'s family  
pursuant to Family Court Act §§ 1015-a or 1022 (c) [specify]:  
;(and it is further)

ORDERED that the Commissioner of Social Services shall conduct a diligent search  
for any non-respondent parents of the child(ren), inform them of the pendency of the proceeding  
and of the opportunity for seeking custody of the child(ren) and record the results of such  
investigation in the child's Uniform Case Record;

(and it is further)

ORDERED that the Commissioner of Social Services shall investigate whether there  
are any 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]: \_\_\_\_\_ ;(and it is further)

[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)

ORDERED that [specify Respondent(s) or other person(s) before the court]: \_\_\_\_\_ (is)(are) required to comply with the terms and conditions specified in the order of protection, issued pursuant to Family Court Act §1029, annexed to this order and made a part thereof;

[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.

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]:<sup>2</sup> \_\_\_\_\_ ;(and it is further)

ORDERED that

ENTER

Dated: \_\_\_\_\_, \_\_\_\_\_ 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 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]: \_\_\_\_\_

<sup>2</sup> Specify a date certain not more than eight months from the date of removal. 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 been freed for adoption. If the child is finally discharged from care on the scheduled date, the permanency hearing shall be cancelled.