

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.

A Person Alleged to be a  
Juvenile Delinquent,

ORDER DIRECTING  
DETENTION OF CHILD  
(Pre-Petition)

Respondent

\_\_\_\_\_

\_\_\_\_\_, a child under the age of 16, having been taken into custody by  
a police officer, peace officer, or private person ; and

No petition under Article 3 of the Family Court Act having been filed in this Court with respect  
to the Respondent; and

**[Applicable where the New York State Office of Children and Family Services has  
approved a risk assessment instrument; omit if inapplicable]:** The Respondent having been assessed  
as a [check applicable box]:  low  medium  high level risk on a risk assessment instrument  
approved by the New York State Office of Children and Family Services; and

The Respondent having been brought before this Court and a hearing having been held, this  
Court finds that [Note: judicial findings must be made under both I and II and, if required, III, below]:

**I. Criteria for Pre-petition Detention [check all applicable boxes and state reasons, as indicated]:**

- the Court appears to have jurisdiction;
- the events occasioning the taking of the Respondent into custody appear to involve acts which  
constitute juvenile delinquency;
- there is a substantial probability that the Respondent will not appear in court on the return date,  
based upon the following facts and for the following reasons [specify]:
  
- there is a serious risk that the Respondent may before the return date commit an act which if

committed by an adult would constitute a crime based upon the following facts and for the following reasons [specify]:

**II. Required “Best Interests” and “Reasonable Efforts” Findings [check applicable boxes and provide case-specific reasons in both A and B, below]:**

A. Continued placement in the Respondent’s home would be contrary to the Respondent’s best interests, based upon the following facts and for the following specific reasons [specify particular facts and reasons]:

**This determination is based upon the following specific documents and evidence:**

- Pre-petition Application
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Testimony of [specify]:
- Other [specify]:

; AND

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the Respondent from the home or, if the Respondent was removed prior to the date of the hearing, to return the Respondent safely to his or her home:

were made as follows [specify reasonable efforts, including specific documents or evidence supporting findings]:

were not made but the lack of efforts was appropriate [check all applicable boxes]:

because of a prior judicial finding pursuant to Family Court Act §352.2(2)(c) that the authorized agency was not required to make reasonable efforts to reunify the Respondent with the  parent(s)  person(s) legally responsible for Respondent’s care [specify date of finding]:

because of other reasons [specify]:

were not made.

**This determination is based upon the following specific documents and evidence:**

- Pre-petition Application
- Probation Department report, dated [specify]:
- Mental health evaluation, dated [specify]:
- Testimony of [specify]:
- Other [specify]:

**III. [REQUIRED finding if Respondent was assessed as a low- or moderate-level risk where the New York State Office of Children and Family Services has approved a risk assessment instrument; omit if inapplicable]:**

Respondent requires detention, despite the assessed risk level, for the following reasons [specify]:

**NOW therefore, it is hereby**

ORDERED, that the Respondent is remanded to [specify]: \_\_\_\_\_,  
to be detained pending further proceedings herein on \_\_\_\_\_; and it is further

ORDERED that the custodial authority produce the Respondent on that date subject to further order of  
this Court; and it is further

ORDERED that if a petition is not filed within four days of this order, the Respondent shall be  
released, and it is further

ORDERED that in the event the Respondent absconds from the above-named facility, written notice  
of that fact shall be given within 48 hours by an authorized representative of the facility to the Clerk of  
Court, stating the name of the Respondent, the docket number of this proceeding, the date on which the  
Respondent absconded and the efforts made to locate and secure the return of the Respondent.<sup>1</sup>

\_\_\_\_\_ ; and it is further

ORDERED

Dated: \_\_\_\_\_, \_\_\_\_\_ ENTER

\_\_\_\_\_  
Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM AN ORDER  
OF THE FAMILY COURT 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>1</sup> See 22 NYCRR §205.26.