

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of

Docket No.

A Child Alleged to be (Abused) (Neglected)
(Juvenile Delinquent) (A Person in Need of
Supervision) (Voluntarily Placed in Foster Care)

PETITION FOR
PERMANENCY HEARING

.....

NOTICE: PLACEMENT OF YOUR CHILD IN FOSTER CARE MAY RESULT IN YOUR LOSS OF YOUR RIGHTS TO YOUR CHILD. 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.

DEADLINES: THIS PETITION MUST BE FILED BY [Specify date]:² AND THE PERMANENCY HEARING MUST BE COMPLETED BY [Specify date]: .

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges (upon information and belief):

1. Petitioner, _____, is an agency duly authorized for the placement of children, whose principal office is located at _____, New York.
2. a. The above-named child was born on [specify date]: _____

¹ This petition form must be utilized in:

i) cases in which an order has been issued that reasonable efforts are not required to reunify the child with the parent or guardian (which require a permanency hearing within 30 days);

ii) child protective cases adjourned upon fact-finding for a combined dispositional/permanency hearing [note: Form 10-10, not GF-35, would be used as the permanency hearing order in such cases]; and

iii) juvenile delinquency cases in which the juvenile has been placed for 18 months (where the permanency hearing must nonetheless be held at the 12-month juncture).

Each of these are situations in which a permanency hearing would be held separately from an extension of placement or foster care review hearing. The petition must be served upon all parties to the action, including the law guardian, as well as any foster parent or relative providing care to the child and any prospective adoptive parent(s). See S.S.L. §§358-a, 392(4); F.C.A. §§355.5, 741-a, 1040.

² The petition must be filed at least 60 days prior to the date by which the hearing must be completed. The date should conform to the deadline indicated on the prior Permanency Order, if any.

- b. The child's mother is [specify]: _____ She resides at [specify address]: _____
- c. The child's father is [specify; if unknown, so state and indicate efforts to identify and locate him]: _____ He resides at [specify address]: _____
- d. Paternity was established by [check applicable box; if not established, so state]:
 - ? Marriage between the above-named parents.
 - ? An order of filiation entered on [specify date and court]: _____
 - ? An acknowledgment of paternity signed on [specify date]: _____
- e. The child's legal guardian is [specify]: _____

3. In addition to the child's parent(s) or guardian(s) or other person(s) legally responsible for the child's care, the following individuals must be notified of this proceeding:

- ? Law guardian [specify]: _____
- ? Prospective adoptive parent(s)[specify]: _____
- ? Foster parent(s)[specify]: _____
- ? Relative(s)[specify]: _____
- ? Other [specify]: _____

4. a. The above-named child was deemed placed in foster care³ on [specify date]: _____, as a result of a proceeding under [check applicable box]: _____
 ? Article ___ of the Family Court Act ? Section ___ of the Social Services Law.

- b. A permanency hearing is required at this time because [check applicable box(es)]:
 - ? A finding by the Court that reasonable efforts to reunify the child with (his) (her) parent(s) or guardian(s) or other person(s) legally responsible are not necessary was made on [specify date]: _____
 - ? [Juvenile delinquency cases only]: Although a petition for an extension of Respondent's placement would not be due until [specify]: _____, a permanency hearing must be completed by [specify]: _____
 - ? Other reason [specify]: _____
- c. [Check applicable box]:
 - ? The last permanency hearing with respect to this child was held on [specify]: _____
 - ? No permanency hearing has been held since the child entered foster care.

d. The legal status of the child's case is as follows: [Include, among other information, the date of fact-finding, disposition, and last extension of placement, foster care review or other proceeding. If parental rights were terminated as to one of the child's parents or guardians or if a parent or guardian surrendered the child, so indicate, including the date]: _____

³ For purposes of a permanency hearing in all categories of proceedings except Article 10 of the Family Court Act, "deemed placed in foster care" refers to the date 60 days after removal of the child from his or her home. In Article 10 proceedings, "deemed placed in foster care" means the earlier of the date of the fact-finding adjudication or 60 days after removal of the child from home.

e. The child's foster care placement expires on [specify date]:

f. The child currently resides with [specify]:

5. a. The permanency plan for the child is as follows [check applicable box(es) and indicate time frame(s)]:

? reunification with the (parent) (guardian) by [specify date]:

? placement for adoption upon filing of a petition to terminate parental rights by [specify date]:

? referral for legal guardianship by [specify name and date]:

? permanent placement with the following fit and willing relative [specify name]:
by [specify date]:

? permanent placement in the following alternative planned living arrangement [specify]:

upon documentation, available to the Court, that the following compelling reason(s) indicate(s) that it would not be in the child's best interests to return home, be referred for termination of parental rights and adoption, placed with a fit and willing relative, or placed with a legal guardian [specify compelling reason(s), indicating documentary sources of information, if any]:

b. [Applicable where a dispositional and/or prior permanency hearing has been held]: This plan [check applicable box]:

? has not changed since the dispositional or most recent permanency hearing;

? has changed as follows [specify, indicating documentary sources of information, if any]:

c. This plan should be approved because [specify reasons, indicating documentary sources of information, if any]:

6. Return to the child's home would be contrary to the best interests of the child because [specify facts and reasons, including safety considerations, if any]:

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

? Uniform Case Review, dated [specify]:

? Summary of the Uniform Case Record, dated [specify]:

? Service Plan, dated [specify]:

? Probation Department report, dated [specify]:

? Mental health evaluation, dated [specify]:

? The report of [specify]: , dated [specify]:

? Other [specify]:

7. a. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child from the home [check applicable box (es)]; state reasons as indicated. If prior finding was

made, so indicate, including date]:

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 that the authorized agency was not required to make reasonable efforts to reunify the child with the parent(s) guardian(s) or other person(s) legally responsible for the child's care [specify date of finding]:

because of other reasons [specify other reasons, indicating documentary sources of information, if any]:

were not made.

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

Uniform Case Review, dated [specify]:

Summary of the Uniform Case Record, dated [specify]:

Service Plan, dated [specify]:

Probation Department report, dated [specify]:

Mental health evaluation, dated [specify]:

The report of [specify]: , dated [specify]:

Other [specify]:

b. Reasonable efforts, where appropriate, to return the child home safely [check applicable box and state reasons as indicated]:

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 that the authorized agency was not required to make reasonable efforts to reunify the child with the parent(s) guardian(s) or other person(s) legally responsible for the child's care [specify date of finding]:

because of other reasons [specify other reasons, indicating documentary sources of information, if any]:

were not made.

This assertion was based upon the following information [check applicable box(es)]:

Uniform Case Review, dated [specify]:

Summary of the Uniform Case Record, dated [specify]:

Service Plan, dated [specify]:

Probation Department report, dated [specify]:

Mental health evaluation, dated [specify]:

The report of [specify]: , dated [specify]:

Other [specify]:

c. [Applicable 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 planning goal of [specify]:

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

Q were not made based upon the following facts and for the following reasons [specify particular facts and reasons, including specific documents or evidence supporting findings]:

This assertion was based upon the following information [check applicable box(es)]:

- ? Uniform Case Review, dated [specify]:
- ? Summary of the Uniform Case Record, dated [specify]:
- ? Service Plan, dated [specify]:
- ? Probation Department report, dated [specify]:
- ? Mental health evaluation, dated [specify]:
- ? The report of [specify]: , dated [specify]:
- ? Other [specify]:

d. The following impediments exist, if any, to the fulfillment of the child's permanency plan [specify, indicating documentary sources of information, if any]:

8. [Required in cases where the child has attained the age of 16] The services needed, if any, to assist the child to make the transition from foster care to independent living are [specify]:

a.. These services are being provided as follows [specify]:

b. These services are not being provided for the following reasons [specify, indicating documentary sources of information, if any; if no services are needed, so indicate]:

9. [Required where the child has been placed out-of-state] The placement of child at [specify]: [check applicable box]: ? continues to be ? is not appropriate and in the child's best interests because [specify, indicating documentary sources of information, if any]:

10. [Required in child protective dispositional proceedings, but information may be provided in other proceedings, if known; delete if inapplicable]:

a. The following person(s) [specify]: committed the following family offense(s) against the following person(s) [specify]: in the child's home [specify family offense(s), approximate dates and status of criminal, matrimonial or Family Court proceedings regarding these offense(s)]:

b. Issuance of an order of protection to [specify]: containing the following terms and conditions [specify]: would make it possible to return the child home safely. [Indicate what, if any, steps have been taken to obtain such an order]:

11. a. The current service plan, which is annexed to this petition, should be approved for the following reasons [specify, indicating documentary sources of information, if any; if any information in service plan is not up-to-date, so indicate]:

b. [Required in child protective proceedings]⁴ The ? parent(s) ? guardian(s) or other person(s) legally responsible for the child's care has [check applicable box]: ? complied ? not complied with the services contained in the plan, in that [specify]:

c. [Required in child protective proceedings]⁵ The ? Petitioner ? Authorized Agency [specify]: has [check applicable box]: ? complied ? not complied with the its obligations as set forth in the plan as follows [specify]:

12. a. The visitation plan for the child and the ? parent(s) ? guardian(s) or other person(s) legally responsible for the child's care is as follows [describe plan(s); if visitation is supervised, so state]:

b. The visitation plan for the child and the child's sibling(s) or half-sibling(s) is as follows [describe plan(s)]:

c. These visitation plans are appropriate and should be described by the Family Court in its Order because [specify, indicating documentary sources of information, if any]:

13. [Applicable where the child has been in foster care for 15 out of the most recent 22 months]: A termination of parental rights petition:

? was filed on [specify date]: in [specify court]:

The status of the case is as follows [specify]:

? will be filed not later than [specify date]: in [specify court]:

? will not be filed for the following reason(s) [check applicable box(es) and cite documentary sources of information, if any]:⁶

? The child is being cared for by a relative or relatives;

? The authorized agency has documented the following compelling reason for not filing a termination of parental rights petition:

⁴ See F.C.A. §1055(b)(iv)(A).

⁵ See F.C.A. §1055(b)(iv)(A).

⁶ See Social Services Law §§384-b(3)(1)(i), 384-b(3)(1)(ii).

? The child was placed as a ? juvenile delinquent ? person in need of supervision and the following facts and circumstances support a permanency plan of : ? return to the parent(s) or other person(s) legally responsible for the child’s care or ? independent living: [specify facts and circumstances, citing documentary sources]:

- ? The child has a permanency plan other than adoption;
- ? The child is 14 years of age or older and will not consent to adoption;
- ? There are insufficient grounds for filing a termination petition;
- ? The child is the subject of a pending child abuse or neglect petition that has not yet reached disposition and the permanency plan is return to the parent(s) or other person(s) legally responsible for the child’s care.⁷

? The authorized agency has not provided the following legally required services to the parent(s) of the child that it deems necessary for the safe return of the child, [specify, citing documentary sources, if any]:

14. The child has the following conditions and special needs [specify]:

<u>Area</u>	<u>Conditions/Special Needs</u>	<u>Services Needed</u>	<u>Services Provided</u>	<u>Last Evaluation</u>
? Medical				
? Developmental				
? Educational				
? Mental Health				
? Other [specify]:				

15. [Applicable to children placed in accordance with Article 3 of the Family Court Act]: The plan for the child’s ? release ? conditional release includes the following arrangements for the prompt enrollment of the child in the following educational or vocational program [specify and attach a copy of the release plan]:⁸

16. The child ? is ? is not a Native-American child subject to the Indian Child Welfare Act of

⁷ This ground does not apply if the child is already in the custody of the local commissioner of social services as a result of a proceeding other than the pending child abuse or neglect proceeding. *See* Social Services Law §§384-b(3)(1)(ii)(E).

⁸ *See* Family Court Act §353.3(7).

1978 (25 U.S.C. §§ 1901-1963).

17. No previous application has been made to any court or judge for relief herein requested (except: [specify]:).

WHEREFORE, Petitioner requests that this Court conduct a permanency hearing for this child and enter an order of disposition as follows:⁹

A. Approving Petitioner’s implementation of the above permanency plan for the child;

B. Describing the above visitation plan(s);

C. Directing that the ? parent(s) ? guardian(s) or other person(s) legally responsible for the child’s care be notified of the planning conference(s) to be held, of (his)(her) right to attend such conference(s) and of (his)(her) right to attend with counsel or other person;

D. Directing that the ? parent(s) ? guardian(s) or other person(s) legally responsible for the child’s care be given a copy of this Court’s order and current service plan; and

E. Directing that if the child remains in foster care, the Petitioner must file a petition for a permanency hearing not later than [specify date 60 days prior to the date permanency hearing must be held]:¹⁰

F. Granting such other and further relief as it deems appropriate, including, but not limited to the following [specify]:

Dated: , .

Petitioner

Print or Type Name

Signature of Attorney, if any

Attorney’s Name (print or type)

Attorney’s Address and Telephone Number

⁹ Paragraphs B, C and D are required in child protective and foster care proceedings.

¹⁰ See *Uniform Rules of the Family Court*, 22 N.Y.C.R.R. §205.17(b).

VERIFICATION

STATE OF NEW YORK)
)Ss.:
COUNTY OF)

being duly sworn, deposes and says:

That (s)he is
and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his)(her own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of

(Deputy) (Clerk of the Court)
(Notary Public)