

# Child Protective—Order on Application for Access to Child(ren) and/or Home— Before Petition Filed

At a term of the Family Court of the State of New York, held in and for the County of:

**1.** \_\_\_\_\_, on <current date: mm/dd/yyyy>

PRESENT: Hon. **2.** \_\_\_\_\_, (Judge)

**IN THE MATTER OF: 3.** *(names of child[ren])* \_\_\_\_\_,

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

**4.** \_\_\_\_\_ Respondent(s)

Docket No.: *(note: this will usually be blank)* \_\_\_\_\_

**ORDER ON APPLICATION FOR ACCESS TO CHILD(REN) AND/OR HOME (Before Petition Filed)**

An application pursuant to section 1034(2) of the Family Court Act having been made before this Court by telephone; And the following person(s) having made application:

Petitioner/Applicant/Child protective investigator:

specify name: **5.** \_\_\_\_\_,

title: **6.** \_\_\_\_\_ and agency: **7.** \_\_\_\_\_

And the parent or other person legally responsible having been advised that, if access to the child and /or home, as applicable, was denied, the child protective investigator may seek an immediate court order for such access;

The Court finds and determines that, based upon a report of suspected abuse or maltreatment, pursuant to Article 6 of the Social Services Law, and other information learned in the child protective investigation and reported to the Court, *[check all applicable box(es)]*:

**8.**  There is reasonable cause to suspect that a child's or children's life or health may be in danger, but the child protective investigator was:

**9.**  unable to locate the child or other children in the household; or

**10.**  denied access to the child or children sufficient to determine his/her/their safety;

**11.**  There is probable cause to believe that an abused or neglected child or children may be located on the premises, but the child protective investigator was denied access to the home to investigate;

**12.** Street: \_\_\_\_\_ **13.** City: \_\_\_\_\_

NOW, therefore, it is ORDERED that the application is hereby *[check applicable box(es) and specify]*:

**14.**  GRANTED OR **15.**  DENIED; *(and it is further)*

continued

[Applicable where application has been GRANTED and FINDING #8 OR #11, above, has been checked; check all applicable box(es) and specify]:

**ORDERED THAT THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE SHALL:**

**16.**  bring the following child(ren) to the following location for an interview and observation as follows:

Name(s) of children: **17.** \_\_\_\_\_

Location (*name and address*):

**18.** Name: \_\_\_\_\_

**19.** Street: \_\_\_\_\_

**20.** City: \_\_\_\_\_ State: NY

Time: **21.**  immediately at any hour      **22.**  between the hours 6 AM and 9 PM

**OR**

[Applicable where application has been GRANTED and FINDING #11, above, has been checked; check all applicable box(es) and specify]:

**23.**  permit the child protective investigator to enter the home as follows:

Time: **24.**  immediately at any hour      **25.**  between the hours 6 AM and 9 PM

Purpose:

**26.**  to determine whether ... \_\_\_\_\_

**27.**  to conduct a home study... \_\_\_\_\_

[REQUIRED in all cases in which the application has been GRANTED]:

**ORDERED** that the Petitioner/Applicant shall report back to this Court within three business days regarding what, if any, findings have been made and what, if any, actions have been taken with respect to the child and/ or other children in the household.

DATED <current date: mm/dd/yyyy>

<b>ENTER</b> (system will generate) <hr/>
<b>Judge of the Family Court</b>

*Name of Judge & Electronic signature (above)*

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.

(revised 01/06/07)

**Protocols for Off-Hours Applications for Access Pursuant to Chapter 740, L. 2006**

Chapter 740 of the Laws of 2006 requires, in part, that a Family Court Judge be available at all times to hear pre-petition applications for an order requiring access to a child who is the subject of a child protective investigation. The following protocols govern applications by local social services agencies for access orders during the night, over the weekend, or on a court holiday:

**Making the call**    **Off-hours calls should never be made directly to the Judge.** Off-hours calls from local social service districts seeking access orders must be made to the following toll-free number:                    **1-800-430-8457**

**Establishing the conference call**    The toll-free number will be answered by an OCA employee (“call coordinator”) who will conference-in the on-call Judge.

**Determine Appropriateness of Call:** Before making an off-hours call seeking an access order, applicants should confirm that they have all information required for the granting of an order, as well as a fax number or email address to which the order can be sent. The call coordinator will ask if the caller is obtaining access to premises or for the production of a child for interview or examination. If the answer to either of these questions is “Yes”, the call coordinator will proceed to call the Judge. If the answer is to both of these questions is “No” and the call is for a Non-NYC County, the call coordinator will proceed to call the Judge. If the answer is to both of these questions is “No” and the call is for a NYC County, the call coordinator will tell the applicant to that they can either contact the Family Court in the morning or call the following number for ACS (Administration for Children Services) at (917) 769-1551.

**Recording the call**    The call coordinator will remain on the line and be responsible for recording the call, in case a transcript is required.

**Swearing in caseworker:** If a case worker is on the call, the Judge must swear the case worker in.

**Conducting the hearing and issuing an order :** The attached order has been developed for use in connection with off-hours applications. The call coordinator will fill in the numbered blanks on the form order at the direction of the Judge. At the direction of the judge the call coordinator will affix the Judge’s electronic signature to the order. At Anytime during the call the judge feels that he needs to get more legal advice from Counsel’s Office, the call coordinator may call and conference in Jan Fink at (212) 428-2166 (work) or (212) 673-2602 (home).

**Distributing the order**    At the conclusion of the hearing, the call coordinator will transmit the signed order to the local social services agency at the fax number or email address provided by the agency. In addition, a copy of the order will be sent to the Judge who issued the order, to the clerk of the Family Court of the county of origin, and to the appropriate Permanency Planning Coordinator.