

At a term of 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 the Permanency Hearing  
Regarding

Docket No.

PERMANENCY HEARING ORDER  
(Permanency Hearing Regarding  
Child Freed for Adoption)

CIN #

A Child Under the Age of 21 who  
Has Been Freed for Adoption

**THE NEXT PERMANENCY HEARING SHALL BE HELD ON** [specify date and time certain within  
six months of completion of this hearing]:

The report of [specify]: \_\_\_\_\_, for a Permanency Hearing regarding the  
above-named child, sworn to on [specify date]: \_\_\_\_\_, having been filed in this Court;

And, as indicated below, notice of the permanency hearing and the permanency report having  
been duly sent to the following person(s) not less than 14 days in advance of the date scheduled for this  
hearing and the following persons having appeared [specify; check applicable boxes]:

- |  |                                       |                                   |   |
|--|---------------------------------------|-----------------------------------|---|
| <input type="checkbox"/> Prospective adoptive parent(s)[specify]:  | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Foster parent(s) caring for child [specify]:  | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Relative(s) caring for child [specify]:   | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Authorized agency caring for child [specify]:                                       | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Attorney for the child [specify]:   | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Former foster parent(s) who cared for<br>the child in excess of one year [specify]: | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |
| <input type="checkbox"/> Other [specify]:<br>[check box(es) if applicable]:                                  | <input type="checkbox"/> given notice | <input type="checkbox"/> appeared | <input type="checkbox"/> did not appear |

And the following child(ren) having [check applicable box(es)]:

Child:  appeared  participated as follows [specify]:

did not participate

Child:  appeared  participated as follows [specify]:

did not participate

Child:  appeared  participated as follows [specify]:

did not participate

And the child(ren) having been represented by an attorney for the child and the Court having consulted with the child(ren) in an age-appropriate manner regarding the proposed permanency plan;

And notice of the permanency hearing having been sent not less than 14 days in advance of the hearing to the following former foster parents, who provided care for the child in excess of one year [specify];:

And the Court having dispensed with notice to the following former foster care parent(s) [specify]: as contrary to the child's best interests:

[Required where adoption is the permanency plan; check box if applicable]:

And the Court having determined that the child has been duly freed for adoption and that adoption is in the child's best interests.

And the matter having duly come on to be heard, and the above-named persons appearing having been given an opportunity to be heard;

And the Court having considered the position and information provided by the [check applicable box(es)]:  authorized agency  local department of social services;

**The Court, after having made an examination and inquiry into the facts and circumstances of the case and into the surroundings, conditions, and capacities of the persons involved, finds and determines the following** [Note: judicial findings must be made under I and, if applicable, II and III]:

**I. Required "Reasonable Efforts" Findings** [check applicable boxes; provide case-specific reasons]:

**A. [Findings required where adoption is the permanency plan]:**

**Reasonable efforts to make and finalize the permanency plan of ADOPTION**

were made as follows [specify; check applicable box(es)]:

:

for child freed for adoption , but not yet placed in pre-adoptive home:

recruitment efforts [specify, including consideration of out-of-State resources]:

other [specify]:

for child freed for adoption and placed in pre-adoptive home

adoption placement agreement signed

adoptive parent(s) retained attorney(s)

adoption subsidy application:

submitted to NYS OCFS and:  granted  denied  pending  re-submitted

submitted and pending review by local dept. of social services or NYC ACS

criminal history checks:  submitted  completed

child abuse and maltreatment checks:  submitted  completed

Interstate Compact on Placement of Children  submitted  completed

- home study completed
- birth parents' documents submitted: certified copy of:
  - order terminating parental rights
  - surrender
  - consent
  - death certificate
- putative father:  putative father registry request made  other [specify]:
- child's documents submitted:
  - two copies of certified birth certificate
  - medical report
  - consent, if child 14 or over
- adoptive parents' documents submitted:
  - financial disclosure affidavit
  - medical report
  - marriage certificate, if applicable
  - divorce certificate, if applicable
  - death certificate of adoptive spouse, if applicable
- back-up resource documents submitted, if applicable [specify]:
- attorney's documents submitted:  affidavit of readiness
  - financial disclosure affidavit  certification of service upon OCA
- adoption petition:  docketed  scheduled for hearing on [specify]:

were not made.

**OR**

**B. [Findings required where permanency plan is other than adoption]:  
Reasonable efforts to make and finalize the permanency plan of [specify]:**

were made as follows [specify including consideration of out-of-State resources]:

were not made.

The conclusion in ¶ I A or I B is supported by the following information [check applicable box(es)]:

- Permanency Report, sworn to on [specify date]:
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- The testimony of [specify]:
- Other [specify]:

**II. Findings: Transitional Services, Out-of-State Placements and Children Over 18:**

[Required if child in out-of-home care is or by the next permanency hearing will be 14 years of age or older]:  The following services and assistance are needed to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood [specify]:

**OR**

The Court finds that NO services or assistance are needed to assist the child(ren) to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood.

**[Required if placement of the child outside New York State is continued ]:** Placement outside New York State  is  is not appropriate, necessary and in the child’s best interests;

**[Required if Child is Over 18]:** The child has has not consented to remain in care;

**III. Finding Regarding Consent to Adoption by Child Over the Age of 14:**

The above-named child, who was born on [specify date of birth]:

has consented to adoption by [specify]:

has indicated that he or she will not consent to adoption by [specify]:

for the following reasons [specify, including information furnished by the attorney for the child and/or the child]:

**NOW, after examination and inquiry into the facts and circumstances and after hearing the proof and testimony, it is therefore**

**A. Permanency Plan [Required]<sup>1</sup>**

ORDERED that Petitioner’s permanency goal for the child is  approved  modified, as follows [check applicable box(es) and indicate anticipated date for achievement of goal]:

placement for adoption by [specify date]: including consideration of interstate options

if already in a pre-adoptive home, petition for adoption 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]:

**[Applicable ONLY to child 16 years of age or older]:** permanent placement in the following alternative planned living arrangement: \_\_\_\_\_

**[Required for all child(ren) 16 years of age or older with Alternative Planned Permanent Living Arrangement (APPLA) Goals; check applicable box(es) in ¶¶a - d ]:**

a.  Evidence has been provided to the Court, indicating compelling reason(s) that it would not be in the child(ren)’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. These reasons are as follows [specify compelling reason(s)]:

b.  Evidence has been provided to the Court, indicating that intensive, ongoing, and, as of the date of this Order, unsuccessful efforts were made to return the child(ren) home or secure a placement for the child(ren) with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent, including through efforts that utilize search technology including social media to find biological family members of the child(ren).

c.  Evidence  has  has not been provided to the Court that a “reasonable and prudent parent” standard of care has been applied to the child(ren) in the facility or home in which he or she resides;

d.  Evidence  has  has not been provided to the Court that the child(ren) has/have been provided with regular, ongoing opportunities to engage in age or developmentally appropriate activities and has been consulted in an age-appropriate manner about the opportunities to participate in such

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<sup>1</sup> NOTE: Permanency plans for freed children include only adoption or alternative planned living arrangement, NOT referral for legal guardianship or placement with a fit and willing relative.

activities;

e. The Court inquired directly of the child(ren) regarding the permanency plan.

f. The following individual, with whom the child(ren) has/have a significant connection, is willing and is designated to be the child(ren)'s permanency resource [specify]:

g. The Court has determined that APPLA with a significant connection to an adult willing to be a permanency resource for the child(ren) is the best permanency plan for the child(ren) because [specify]:

**[Applicable in all cases]:** Any modifications of the Permanency Goal shall be given by Petitioner to the parent(s) or other person(s) legally responsible for the child(ren)'s care, with a copy of this Order.

### **B. Reasonable Efforts to Further Permanency Plan**

#### **1. [Applicable where the child's permanency plan is adoption; check any applicable box(es)]:**

- ORDERED that [specify]: \_\_\_\_\_, an authorized agency, is directed to [check applicable box(es) and specify deadlines for compliance]:
- place the above-named child, if not already placed, by [specify date]:  
for adoption with [check applicable box]:
    - the foster family home where (s)he resides or has resided
    - other prospective adoptive parent(s) [specify]:
  - take the following steps to recruit prospective adoptive parent(s) for the child, if the child is not already placed in a prospective adoptive home, including consideration of interstate options [specify, including dates]:
  - submit *Interstate Compact on Placement of Children* [SSL §374-a] documents by [specify date]:
  - submit documents regarding adoption subsidy eligibility by [specify date]:
  - if prospective adoptive parents have not yet signed Adoption Placement Agreement, work to address concerns they may have in order that the agreement may be signed by [specify date]:
  - if child over 14 has not consented to adoption, work with child and attorney for the child to address concerns, identify significant adults who may be adoptive resources or who may be of assistance regarding an alternate permanency plan, by [specify date]:
  - obtain child abuse and maltreatment clearance(s) by [specify date]:
  - obtain criminal history clearance(s) by [specify date]:
  - obtain information regarding back-up resources by [specify date]:
  - obtain the following documents regarding child's birth parent(s) [specify]:
    - order terminating parental rights     surrender     consent
    - death certificate
 by [specify date]:
  - obtain the following documents regarding the child [specify]:
    - two copies of birth certificate     medical report     consent of child 14 or older
 by [specify date]:
  - obtain completed home study by [specify date]:
  - obtain the following additional documents [specify]:  
by [specify date]:
  - report to the Court on the status of an appeal regarding the child by [specify date]:

other [specify, including date]:

; (and it is further)

ORDERED that the authorized agency assist the prospective adoptive parent(s) in [check applicable box(es) and specify deadlines for compliance ]:

- retaining an attorney by [specify date]:
- signing an Adoption Placement Agreement by [specify date]:
- submitting *Interstate Compact on Placement of Children* documents by [specify date]:
- submitting documents regarding adoption subsidy by [specify date]:
- submitting financial disclosure affidavit by [specify date]:
- submitting medical report(s) by [specify date]:
- submitting certified copy of certificate of:  marriage  divorce  death of spouse
- obtaining a completed home study by [specify date]:
- obtain the following additional documents [specify]:
- filing a petition for adoption by [specify date]:
- other [specify, including date]:

; (and it is further)

**2. [Applicable where the child has a permanency plan other than adoption; check box[es] if applicable]:**

ORDERED that following reasonable efforts shall be made to make and finalize the child's permanency plan of [specify permanency plan, describe efforts and specify deadlines for compliance]:

- ORDERED that the Commissioner of Social Services <sup>2</sup>
  - 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 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 youth 18 and over who will be discharged on a trial basis with their consent]:

- The Commissioner of Social Services
  - shall discharge the youth on a trial basis
  - shall continue the discharge of the youth
  - may continue or extend the trial discharge of the youth to  another planned permanent living arrangement  other [specify]:  
until the earlier of the next permanency hearing, further Order of the Court OR the 21<sup>st</sup> birthday(s) of the youth.

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<sup>2</sup> Note: during a period of trial discharge, legal care and custody remains with the Commissioner and permanency hearings must be held. Youth 18 years of age or older must consent to any trial discharge.

Youth 18 and over discharged on a trial basis shall inform the local department of social services or agency of any change in mailing address and contact information.

**3. Sibling Visiting Plans and Post-Adoption Contact [check box(es), if applicable]:**

ORDERED that Petitioner shall provide the following sibling(s) [specify]:  
with visits with the child as follows [describe visiting plan]:

ORDERED that the following provisions of the Post-adoption Contact agreement determined by the Court that approved the surrender of the child to be in the child's best interests be implemented at this time as follows [specify]:

; (and it is further)

**4. Educational, Vocational and Transitional Services:**

ORDERED that the  educational  vocational components of the child's permanency plan  are appropriate  should be modified as follows [specify]:

ORDERED that Petitioner shall take the following steps and/or provide the following services for the education, health and well-being of the child [specify]:

**[Applicable in cases where the child is 14 years of age or older or will attain the age of 14 by the next permanency hearing]:**

ORDERED that the Petitioner is to provide the following services and assistance to assist the child(ren) in learning independent living skills to make the transition from foster care to successful adulthood [specify]:

ORDERED that the permanency plan developed for the child(ren) and any revision or addition to the plan, shall be developed in consultation with the child(ren). The child(ren) may select up to two members of the child(ren)'s permanency planning team to participate, one of whom may be designated to be the child(ren)'s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child(ren); provided, however, that such members may not be foster parents of, or case workers, case planners or case managers for, the child(ren) and that the local commissioner of social services with custody of the child(ren) may reject an individual so selected by the child(ren) if such local commissioner has good cause to believe that the individual would not act in the best interests of the child(ren);

**5. Placement Outside New York State. [Required where the child is out-of-state]:**

ORDERED that the placement of the child at [specify]:  
 is appropriate, necessary and in the child's best interests and is continued until [specify]:  
 is not appropriate, necessary and in the child's best interests and the child shall, therefore, be returned to New York State to be  placed with [specify]: until [specify]:  
 discharged to [specify]:

; (and it is further)

**6. Progress Reports and Notices**

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

(and it is further)

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

**7. Recommendations Regarding State Agency Oversight [Check box if applicable]:**

RECOMMENDED that the New York State Office of Children and Family Services investigate the facts and circumstances concerning the discharge of responsibilities for the care and welfare of the child by the social services district of the County of [specify]: \_\_\_\_\_ pursuant to Social Services Law § 395; (and it is further)

**8. Order of Protection**

ORDERED that [specify 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 §1056 annexed to this order and made a part thereof.

**9. Notice Regarding Absconding: [Required in cases in which child remains in foster care]:**

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 proceeding, and the date on which the child ran away.

**10. Transfer to Another Agency [Check box if applicable]:**

ORDERED that, in view of the authorized agency’s failure to comply with the Court’s prior order to place the child in a prospective adoptive home and/or to provide services and assistance to the child, guardianship and custody of the child is hereby transferred to the following other authorized agency [specify]: \_\_\_\_\_

**C. Next Permanency Hearing [Required in all cases in which the child is in the guardianship and custody of the authorized agency or foster parent]:**

**ORDERED that if the child remains in the custody and guardianship of the authorized agency or foster parent, the next permanency hearing shall be held on [specify date and time certain within six months of the completion of this hearing]:**

**ORDERED that Petitioner shall transmit notice of the hearing and a permanency report no later than 14 days in advance of the above date certain to all parties, attorneys, the attorney for the child and any pre-adoptive parent or relative 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’s best interests; delete if inapplicable]:**

AND IT IS FURTHER ORDERED that

ENTER

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

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]: \_\_\_\_\_