

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 a Commitment of Guardianship
and Custody pursuant to §384-b of the

Social Services Law of

Docket No. _____

ORDER UPON PETITION TO
MODIFY AN ORDER OF
DISPOSITION TO RESTORE
PARENTAL RIGHTS

CIN # _____
A Child under the Age of Eighteen Years,
Whose Parent's Rights Were Terminated

A Petition under Section 635 of the Family Court Act having been filed requesting that the Order of Disposition committing guardianship and custody of the above-named child be modified to restore the parental rights of [specify]: _____ and to transfer custody and guardianship of the above-named child to such parent(s); and summonses having been issued and having been duly served upon and notice having been duly given to all proper parties hereto,

And the order committing guardianship and custody of the child, dated [specify]: _____
to [specify]: _____

having been based upon an adjudication upon the following grounds [check applicable box(es)]:

- The parent or parents, whose consent to the adoption of the child would otherwise be required, abandoned such child for the period of six months immediately prior to the date on which the petition is filed in the court or;
- The parent or parents, whose consent to the adoption of the child would otherwise be required, are presently and for the foreseeable future unable, by reason of mental illness or mental retardation, to provide proper and adequate care for a child who has been in the care of an authorized agency for the period of one year immediately prior to the date on which the petition is filed in the court or;
- The child is a permanently neglected child;

[REQUIRED where the Order of Disposition was temporarily modified; check box if applicable]:¹

And the Order of Disposition committing guardianship and custody of the above-named child was temporarily modified on [specify date]: _____ to expire on [specify]: _____

The Court finds and determines the following upon clear and convincing evidence:

¹ A temporary modification order may only be made for a maximum period of six months and may not be extended.

[Check applicable box(es)]:

The Respondent(s) in the underlying termination of parental rights proceeding to whom guardianship and custody would be transferred if this petition is granted:

- consent(s) do(es) not consent to the relief requested in this petition,

The Petitioner in the underlying termination of parental rights proceeding:

- consents to the relief requested in this petition,
- does not consent to the relief requested in this petition, but such refusal was without good cause, (because: _____).
- does not consent to the relief requested, thus compelling denial of this petition.

[Applicable where guardianship and custody had been committed to an individual who was not the Petitioner in the termination of parental rights proceeding; check box, if applicable]:

- consents to the relief requested in this petition,
- does not consent to the relief requested in this petition, but such refusal was without good cause, (because: _____).
- does not consent to the relief requested, thus compelling denial of this petition.

The child in the underlying termination of parental rights proceeding:

- consents does not consent to the relief requested in this petition,
- The child is fourteen years of age or older
- The child remains under the jurisdiction of the Family Court and has not been adopted
- The child does not have a permanency goal of adoption.

The restoration of parental rights of [specify]: _____ and transfer of guardianship and custody of the child to such parent(s) : is is not in the child's best interests, because [specify]: _____

The Court, having made examination and inquiry into the facts and circumstances of the case, and hereby orders the following [Check Box A, B or C]:

- A. THE PETITION IS DISMISSED** and the commitment of guardianship and custody of the child to the authorized agency or individual is continued.
The next permanency hearing shall be held on [specify]: _____
- B. THE PETITION IS GRANTED** and the commitment of guardianship and custody of the child is modified to restore the parental rights of [specify]: _____, provided that the findings of fact the formed the basis for the adjudication terminating parental rights shall remain. Guardianship and custody of the child is thereby transferred to [specify]: _____
[Check box if applicable]: This petition is granted following successful completion of the period of an order temporarily restoring parental rights during which time custody and guardianship remained with the authorized agency.
- C. THE PETITION IS GRANTED CONDITIONALLY** and the commitment of guardianship and Custody of the child is modified TEMPORARILY to restore the parental

rights of [specify]:
until [specify expiration date up to six months from the date of this Order]:²

1. During this period, the guardianship and custody of the child shall remain with [check applicable box]: the local department of social services
 jointly and severally with the local department of social services and authorized agency,
while the child may visit with, or be placed on a trial discharge with, the birth parent(s) whose rights are temporarily restored by this Order.

2. The local department of social services authorized agency shall supervise the child's birth parent(s) whose rights are temporarily restored by this Order, shall develop a reunification plan, shall provide appropriate transitional services to the child and birth parent(s), and shall report to the parties, attorney for the child and this Court not later than thirty (30) days prior to the expiration of the designated temporary modification period.

3. The birth parent(s) whose rights are temporarily restored by this Order shall:
 cooperate with the agency in the development and implementation of a reunification plan
 comply with the following conditions [specify, if any]:

4.. The next court date on this petition shall be [specify]: _____ for the Court to determine whether to grant the petition permanently or dismiss the petition.

5. The next permanency hearing for the child shall be [specify]: _____ unless the petition is granted permanently prior to that date.

AND IT IS FURTHER ORDERED that

Dated: _____,

ENTER

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]: _____

² A temporary modification order may only be made for a maximum period of six months and may not be extended.