NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
EXECUTIVE DIRECTOR

MEMORANDUM

June 30, 2016

To: Hon. Fern A. Fisher
Hon. Michael V. Coccoma

From: Ronald Younkins RY

Subject: Revision of Forms for Use in Family Courts

Attached is a copy of Administrative Order AO/148/16 (Exh. A), recently signed by Chief Administrative Judge Lawrence K. Marks upon the recommendation of the Family Court Advisory and Rules Committee. The administrative order promulgates twenty-nine forms for use in Family Courts. Twenty-six are revisions of existing forms; three are new. Additionally, the AO rescinds three child protective forms (Forms 10-17, 10-17a and 10-18) that are duplicative of other forms.

The form revisions and new forms have been adopted in response to three recently-enacted State statutes, and include the following:

Intellectual Disability (L. 2016, ch. 37)

- Two termination of parental rights forms (TPR-8 and TPR-9), and ten juvenile delinquency competency forms (3-14, 3-17, 3-18, 3-19, 3-21, 3-23, 3-24, 3-25, 3-26 and 3-27) have been revised to substitute the term "intellectual disability" for the term "mental retardation."

Children's Participation in Permanency Hearings (L. 2016, ch. 140)

- A new form (Form PH-4b) has been created to provide children with answers in simple English to questions they may have about permanency hearings. This form may be provided to children by local Departments of Social Services along with the uniform notice given to all parties regarding permanency hearings; or it may be provided by Attorneys for Children as part of their consultations with their clients regarding participation in the hearings.

- A new form notice (Form PH-4c) has been created, by which Attorneys for Children must provide to the Family Court and the parties, ten days in advance of permanency hearings, notice of whether and how the child will participate in the hearing.

- Permanency orders (PH-5 and PH-6) have been revised to include whether and how children have participated in their permanency hearings.

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Non-respondent Parents, Relatives and Other Suitable Persons in Child Protective and Permanency Proceedings (L. 2015, ch. 567)

- The preliminary child protective forms (Forms 10-1, 10-2, 10-2b and 10-5) have been revised to include the options of temporary release of children to non-respondent parents under Family Court Act §1017, and temporary custody of children with relatives and other suitable persons pursuant to petitions filed under Family Court Act Article 6.

- The dispositional and permanency hearing forms, as well as the order determining violations (Forms 10-10, 10-14 and PH-5), have been modified to include the time-limited release and Article 6 custody options.

- Directions for locating and investigating non-respondent parents, putative fathers, relatives and other suitable persons, as well as revised statutory language regarding independent living skills, have been added to each of the child protective order forms.

- The notice of pendency of child protective proceedings for non-respondent parents (Form 10-7d) has been revised and a new notice of pendency for relatives and other suitable persons (Form 10-7e) has been created.

- The petition and order for an extension of supervision (Forms 10-27 and 10-28) have been expanded to include the option of an extension of the time-limited release.

- Conforming revisions have been made to the petition and order for custody (General Forms GF-17 and GF-18); provisions regarding custody ordered as a resolution of a child protective or permanency proceeding have been moved into an Addendum that can be attached or incorporated as needed.

These forms will be distributed electronically, will be posted on the Unified Court System CourtNet intranet web-site, as well as its internet web-site (www.nycourts.gov), and will be incorporated into the Universal Case Management System (UCMS).

Please distribute this memorandum to Family Court Judges and appropriate Family Court personnel.

Questions about the forms may be directed to Janet Fink in Counsel's Office (jfink@nycourts.gov; or 212-428-2150).

cc: Administrative Judges Outside NYC
Hon. Jeanette Ruiz
Barry Clarke, Esq.
John George, Esq.
Maria Logus, Esq.
Maria Barrington
District Executives
Janet Fink, Esq.

EXHIBIT A

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the powers vested in me, and pursuant to sections 214 of the Family Court Act, I hereby rescind the following 29 forms for use in Family Court proceedings in the courts of the State of New York:

General Forms (Custody and Visitation)

GF-17	Petition for (Custody)(Visitation)
GF-18	Order on Petition for (Custody)(Visitation)

Juvenile Delinquency Forms

3-14	Order Directing Examination to Determine Capacity
3-17	Examination Report to Determine Capacity
3-18	Order in Proceeding to Determine Capacity and Notice of Hearing
3-19	Order Regarding Incapacitated Person (After Probable Cause Hearing)
3-21	Order (Extension of Period of Commitment for Lack of Capacity)
3-23	Order Dismissing Petition for Lack of Capacity
3-24	Petition for Modification of Order of Commitment
3-25	Order (Modifying Order of Commitment for Lack of Capacity)
3-26	Petition to Determine Capacity After Prior Commitment
3-27	Order Determining Capacity Prior to Commitment

Child Protective Forms

10-1	Order (Directing Temporary Removal of Child Before Petition Filed)
10-1b	Order for Diligent Search and Investigation
10-2	Order (Directing Temporary Removal of Child After Petition Filed)
10-2-b	Order Terminating Remand
10-5	Order on Application for Return of Child Temporarily Removed From Home
10-7d	Order (Notice to Non-Respondent Parents)
10-10	Order of Fact-finding, Disposition and Permanency Hearing
10-14	Order (Violation of Order of Disposition)
10-17	Motion for Order Approving Relative as Foster Parent
10-17a	Affidavit in Support of Motion for Approval of Relative as Foster Parent
10-18	Order on Motion for Approval of Relative As Foster Parent
10-27	Petition for Extension of Supervision
10-28	Order on Petition to Extend Supervision

Permanency Hearing Forms

PH-5	Permanency Hearing Order
PH-6	Permanency Hearing Order (Child Freed for Adoption)

Termination of Parental Rights Forms

TPR-8	Petition (Mental Illness or Mental Retardation of Parents)
TPR-9	Order of Disposition (Mental Illness or Mental Retardation of Parents)

I hereby prescribe the following 29 forms for use in Family Court proceedings in the State of New York:

General Forms (Custody and Visitation)

GF-17	Petition for (Custody)(Visitation)
GF-18	Order on Petition for (Custody)(Visitation)

Juvenile Delinquency Forms

3-14	Order Directing Examination to Determine Capacity
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Child Protective Forms

10-1	Order (Directing Temporary Removal of Child Before Petition Filed)
10-1b	Order for Diligent Search and Investigation
10-2	Order (Directing Temporary Removal of Child After Petition Filed)
10-2-b	Order Terminating Remand
10-5	Order on Application for Return of Child Temporarily Removed From Home
10-7d	Notice to Non-Respondent Parents of Pending Child Protective Proceeding
10-7e	Notice to Relatives and Suitable Persons of Pending Child Protective Proceeding
10-10	Order of Fact-finding and Disposition (and Permanency Hearing)
10-14	Order (Violation of Order of Disposition)
10-27	Petition for Extension of Supervision of Respondent and/or Release of Child
10-28	Order on Petition to Extend Supervision of Respondent and/or Release of Child

Permanency Hearing Forms

PH-4b	Notice to Child of Permanency Hearing - Questions You May Have
PH-4c	Notification of Child(ren)'s Participation at Permanency Hearing
PH-5	Permanency Hearing Order
PH-6	Permanency Hearing Order (Child Freed for Adoption)

Termination of Parental Rights Forms

TPR-8	Petition (Mental Illness or Intellectual Disability of Parents)
TPR-9	Order of Disposition (Mental Illness or Intellectual Disability of Parents)

Chief Administrative Judge of the Courts

Dated: June 23, 2016

AO/148/16