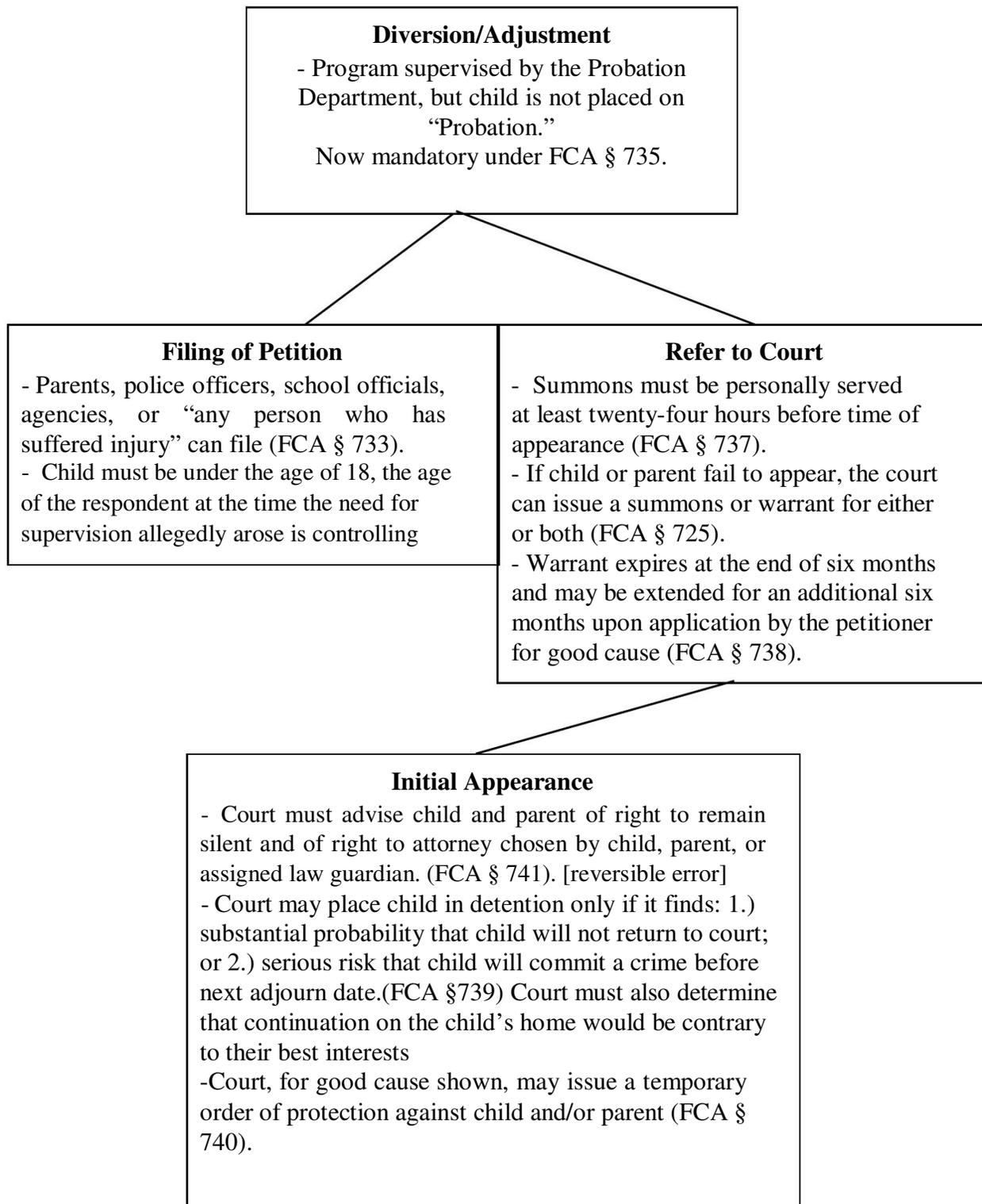
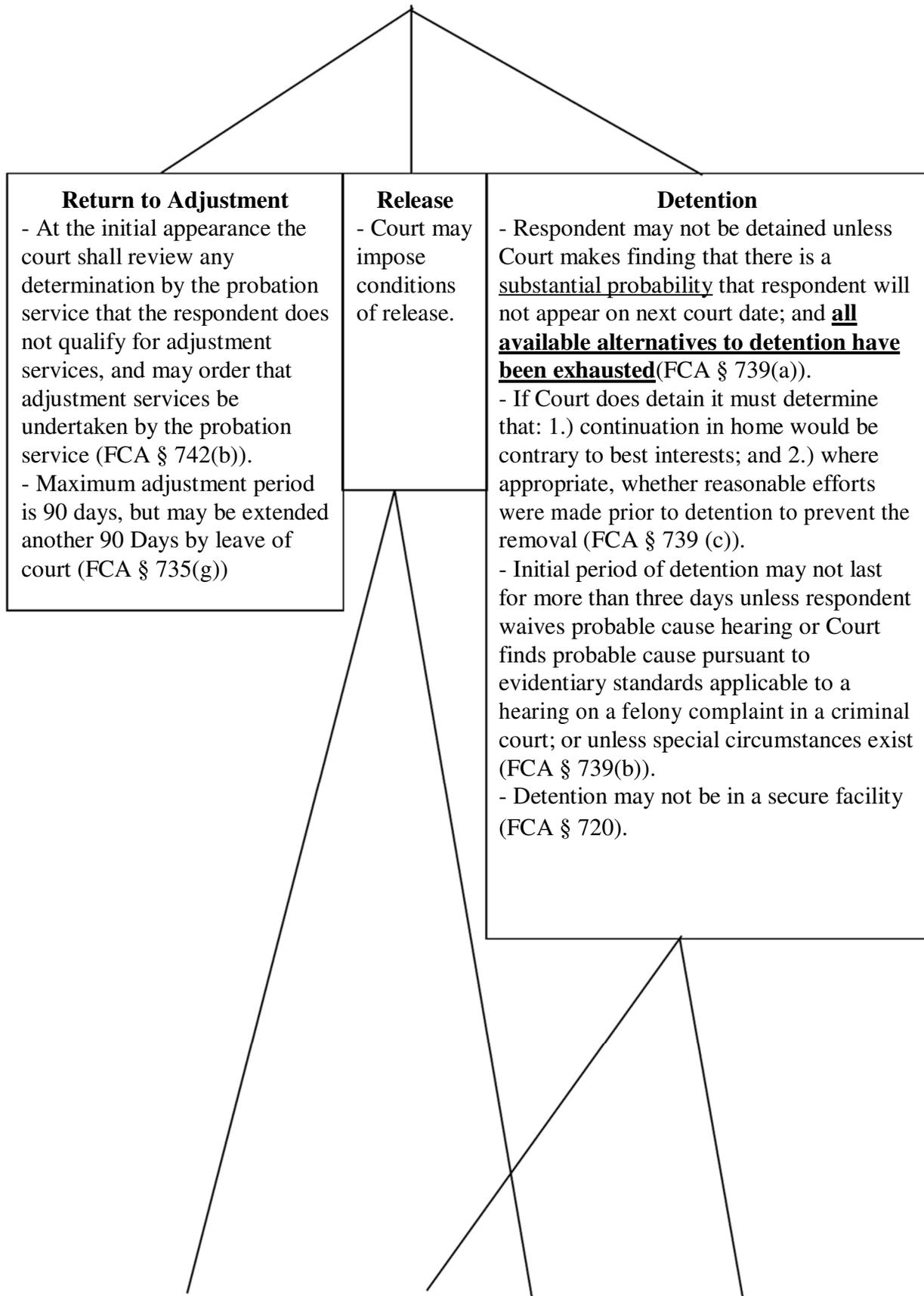


PINS Flowchart



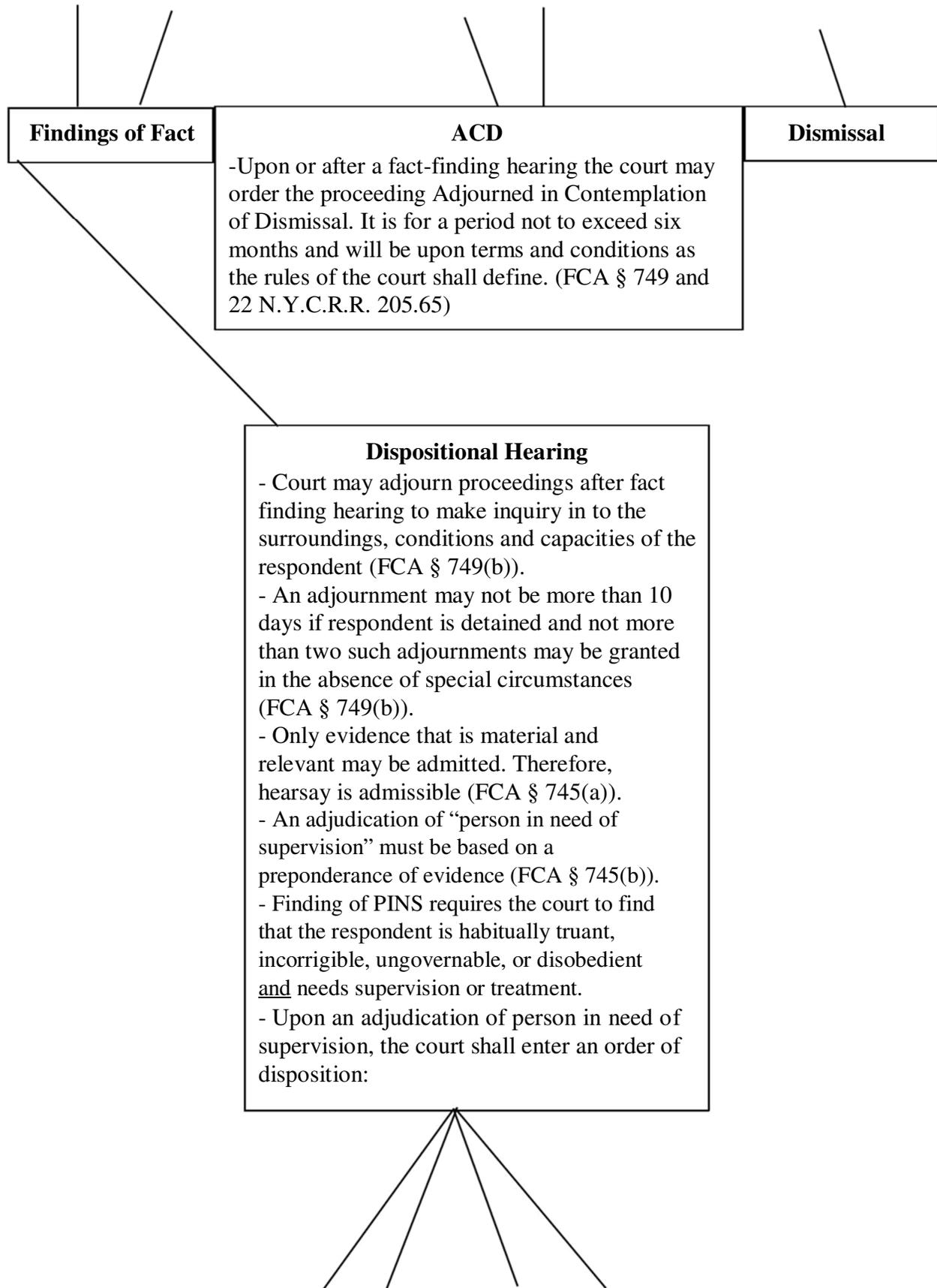


Admission

- Prior to taking an admission, the Court must determine that the Respondent: 1.) committed the alleged acts; 2.) voluntarily waives his right to a fact-finding hearing; and 3.) Is aware of the specific dispositional orders the court could impose. (See e.g. FCA § 321.3).

Fact-Finding Hearing

- Disclosure and discovery pursuant to the CPLR (FCA § 165).
- If respondent is in detention, the court may, on its own or petitioner's motion, adjourn a fact-finding hearing for good cause shown for not more than three days; or on respondent's or parent's motion for good cause shown for a reasonable period of time (FCA §748(a)).
- Successive motions to adjourn a fact-finding hearing may be granted only under special circumstances (FCA § 748 (b)).
- Only evidence that is competent, material and relevant is admissible (FCA § 744(a)).
- A finding must be based on proof beyond a reasonable doubt, an uncorroborated confession made out of court by a respondent is not sufficient (FCA § 744(b)).
- Respondent has a right to remain silent (FCA § 741(a)).



<p>Discharging the Respondent with warning</p>	<p>Suspending Judgment</p> <ul style="list-style-type: none"> - Rules of the Court shall define permissible terms and conditions (22 N.Y.C.R.R. 205.66). - Court may order restitution (not to exceed \$1000) or services for the public good (FCA § 755(a)). - The maximum duration is one year (FCA § 755(b)). 	<p>Place the Respondent</p> <ul style="list-style-type: none"> - Court may place the child in its own home, in the custody of a suitable relative or other suitable private person or a commissioner of social services (FCA § 756(a)). - Placements may be for an initial period of twelve months. For calculation, placement shall be deemed to have commenced sixty days after removal (FCA § 756(b)). - Cannot be in a detention facility ((FCA § 756(c)). - Respondent shall receive credit for time served unless court makes a finding that it would not be in respondent's best interests (FCA § 756(b)). 	<p>Probation</p> <ul style="list-style-type: none"> - Rules of the Court shall define permissible terms and conditions (22 N.Y.C.R.R. 205.66). - The maximum period of probation shall not exceed one year (FCA §757(b)). - Probation can be extended an additional year if court finds exceptional circumstances. - Court may order restitution (not to exceed \$1,000.00) or services for the public good (FCA §757(c)).
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- In addition:
- The court may make an order of protection in assistance or as a condition of any order issued under this article (FCA §759).
 - A court on its own motion may substitute a neglect petition for a PINS petition (FCA§716).
 - If the court has entered a dispositional order it shall be the duty of the respondent's counsel to promptly advise the respondent and parent of his right to appeal (FCA §760).
 - Placement may be extended for an additional twelve months. Petitions must be filed no less than 60 days prior to the expiration of placement (except for good cause shown) (FCA§756(b)).
 - Placement cannot be extended beyond a child's birthday without the consent of the child. All placements are terminated at the child's twenty-first birthday (FCA§756-a).