

EXHIBIT D

ACM

F.C.A. §§1017, 1033-b, 1040, 1044, 1046, 1051, 1052, 1053, Form 10-10 3/2009
1054, 1055, 1057, 1059, 1089 (Child Protective-Order of Fact-Finding, Disposition and Permanency Hearing)

At a Term of the Family Court of the State of New
York held in and for the County of Orange at
Goshen, New York on August 16, 2010

P R E S E N T:

HON. ANDREW P. BIVONA
Judge

In the Matter of

ORDER OF FACT-FINDING AND DISPOSITION
(AND PERMANENCY HEARING)
AS TO JACOB TEITELBAUM

 TEITELBAUM
 TEITELBAUM

CHILDREN UNDER EIGHTEEN YEARS OF AGE
ALLEGED TO BE NEGLECTED BY

DOCKET NO.: NN-2127/2128-10

MIRIAM TEITELBAUM
JACOB TEITELBAUM

FF NO.: 55083

RESPONDENTS

NOTICE: WILLFUL FAILURE TO OBEY THE TERMS AND CONDITIONS OF THIS ORDER MAY RESULT IN COMMITMENT TO JAIL FOR A TERM NOT TO EXCEED SIX MONTHS.

IF YOUR CHILDREN ARE PLACED IN FOSTER CARE, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILDREN AND YOUR CHILDREN MAY BE ADOPTED WITHOUT YOUR CONSENT. IF YOUR CHILDREN STAY IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD. IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.

THE NEXT COURT DATE IS: JANUARY 26, 2011 AT 9:15 A.M.

THE NEXT PERMANENCY HEARING SHALL BE HELD ON: JANUARY 26, 2011 AT 9:15 A.M.

The petition of the Orange County Department of Social Services under Article 10 of the Family Court Act, sworn to on: April 28, 2010, having been filed in this Court alleging that the above-named Respondents: neglected the above-named children; and

Notice having been duly given to the Respondents pursuant to §1036 or §1037 of the Family Court Act; and:

Respondent: Miriam Teitelbaum having:

appeared with counsel: Maria Patrizio, Esq. of Legal Aid Society of Orange County, Inc.;

Respondent: Jacob Teitelbaum having:

appeared with counsel: John F. X. Burke, Esq.;

And Respondent: Jacob Teitelbaum having:

voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, Children's attorney and all other parties having consented to the entry of such order of fact-finding as well;

ARB

And the Court after a proper hearing the consent of the Respondent, Petitioner and Children's attorney to the entry of an order of fact finding without admission.

And the following interested party-intervenors were present and participated in the hearing: David Darwin, Esq., County Attorney, by Stephanie Bazile, Esq., of counsel, attorney for the Petitioner; Kim Pavlovic, Esq. of Children's Rights Society, Inc., attorney for the above-named children;

And the matter having thereafter duly come on for a:

DISPOSITIONAL HEARING; PERMANENCY HEARING before the Court,

And the following person(s) were given notice of the permanency hearing and appeared as indicated below:

David Darwin, Esq., County Attorney, by Stephanie Bazile, Esq., of counsel, attorney for the Petitioner

Child's attorney (Law Guardian): Kim Pavlovic, Esq. of Children's Rights Society, Inc.
 given notice appeared

Respondent: Miriam Teitelbaum

given notice appeared with counsel: Maria Patrizio, Esq. of Legal Aid Society of Orange County, Inc.

Respondent: Jacob Teitelbaum

given notice appeared with counsel: John F. X. Burke, Esq.

Other: Foster parent Chaya Katz, in person

Other: Foster parent David Rubenstein, in person

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:

And the matter having duly come on to be heard, and the above-named persons appearing having been given notice and an opportunity to be heard, as indicated above, and the Court having considered the position and information provided by the:

local department of social services;

And the children having been represented by an attorney and the Court having considered the position of the children regarding the permanency plan;

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:

The Court finds and determines that:

I. Required "Best Interests" and "Reasonable Efforts" Findings for Newly-Removed Children

A. Continuation of the children in, or return of the children to, the children's home would be contrary to the best interests of the children because: subject child, [REDACTED] ingested Tylenol because the Respondents failed to properly secure the medication. The subject child, [REDACTED], age eight (8) months, was left in the home unsupervised.

This determination is based upon the following information:

- Petition
- Case Record

B. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the children from the home, and if the children were removed without court order prior to the date of this hearing, to return them home safely:

were made as follows: The family was involved with Community based services within the Kiryas Joel community. The family was also receiving preventive services through Berkshire Farms. A preventive services caseworker, family development specialist and a housekeeping specialist were assigned to assist the family.

The family and the community established a safety plan whereby the children would be cared for by the Respondents' relatives and neighbor and the Respondent father no longer wants them to care for the children. On or about April 27, 2010, the Respondent father demanded the return of the children and refused to develop another safety plan for the children.

This assertion is based upon the following information:

- Report of Suspected Child Abuse or Neglect
- Case record

II. Findings Regarding Alternatives to Removal to Foster Care

A. Based upon the investigation conducted by the Commissioner of Social Services, There is no non-respondent parent, relative or suitable person with whom the children may appropriately reside.

B. Imminent risk to the children would not be eliminated by the issuance of a temporary order of protection or order of protection directing the removal of: the Respondents from the children's residence.

III. Required Findings Regarding Efforts to Further Permanency Plan

A. Reasonable Efforts to Return the Children Home

Where the children were removed from the home, reasonable efforts, where appropriate, to return the children home safely:

were made as follows: The family is provided with casework counseling and educational and mental health services. Respondent mother sees a therapist once per week and her medications are being monitored. The family was provided a well-care nurse who went to their home three (3) times per week. A referral was made for the family to be assigned an Intensive Family Development Specialist.

This determination is based upon the following information:

- Permanency Report, sworn to on: July 22, 2010
- Testimony of: Michelle Scarpone

NOW therefore, upon findings made in the

fact-finding dispositional and permanency hearings; and upon all proceedings had herein, it is hereby

A. Order of Fact-finding or Dismissal

ADJUDGED that facts sufficient to sustain the petition herein have been established in that Respondent Jacob Teitelbaum voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission pursuant to Family Court Act §1051(a), and the Petitioner, Children's attorney and all other parties having consented to the entry of such order of fact-finding as well; and it is hereby

ADJUDGED that the above-named children are

neglected as defined in §1012 of the Family Court Act by: the Respondent, Jacob Teitelbaum;

B. Order of Disposition

And the Court, having considered the best interests and safety of the children, including whether the children would be at risk of abuse or neglect if returned to the parent(s) or other person(s) legally responsible, hereby orders the following:

ORDERED that the children are placed in the custody of the Commissioner of Social Services of Orange County,

to reside in foster care with: ~~a certified foster home until the completion of the next permanency hearing, scheduled for the date certain indicated in this order, subject to the further orders of this Court~~

and, during the period of such placement, Respondent: Jacob Teitelbaum is to remain under the supervision of a child protective agency, social services official, or duly authorized agency

upon the following terms and conditions to be met by Respondent: Jacob Teitelbaum as set forth below;

ORDERED that the Commissioner of Social Services

may only discharge the children on a trial basis to the physical custody of

Respondents: Miriam Teitelbaum and Jacob Teitelbaum upon the following event(s) or condition(s): The Department verifying the proposed childcare providers, Respondents are in compliance with their mental health treatment and the Intensive Family Development Specialist service is established in Respondents' home; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall willingly accept supervision over his household by the Orange County Department of Social Services for a period of twelve (12) months; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall follow through with any and all recommendations of Petitioner's caseworkers, service providers and treatment providers; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall meet with Petitioner's caseworker in his home at least two (2) times per month; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall execute release of information forms in favor of the Orange County Department of Social Services, the law guardian and the Court; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall immediately notify Petitioner's caseworker of any change in his telephone number and/or address; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall keep all scheduled appointments with any and all service providers and Orange County Department of Social Services staff; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall attend Agency-approved parenting classes and maintain a minimum attendance rate of ninety (90%) percent of all scheduled sessions. The Respondent shall meaningfully participate in said parenting classes until successfully discharged; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall maintain a clean and sanitary home at all times; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall maintain stable, suitable and adequate housing for the subject children; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall undergo a mental health evaluation by an Agency-approved provider/facility and follow through with any and all recommendations made pursuant to said evaluation. In the event that treatment is recommended, the Respondent shall enroll in and meaningfully participate in said treatment sessions. The Respondent shall maintain a minimum attendance rate of ninety (90%) percent of all scheduled sessions until successfully discharged; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall properly supervise the subject children at all times and ensure that the subject children are never left unattended or with inappropriate caregivers; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall cooperate with the services of an Intensive Family Development Specialist in his home; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall ensure that the subject children receive all necessary medical care and follow through with their doctors' recommendations; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall follow through with the Early Intervention and Committee for Preschool Education programs and shall follow through with any and all recommendations; and it is further

ORDERED that the subject children shall not be left alone with the Respondent, Jacob Teitelbaum; and it is further

ORDERED that the subject children shall only be placed in the care of D.S.S.-approved childcare providers; and it is further

ORDERED that the Respondent, Jacob Teitelbaum, shall have D.S.S.-supervised visitation with the subject children. Said visits shall occur on at least a weekly basis; and it is further

ORDERED that if the children abscond 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 children, the docket number of this procedure, and the date on which the child ran away.

Progress Reports and Notices

ORDERED that if the above permanency plan for the above-named children is changed, notice shall be provided to the Court, the parties and the children's attorney forthwith, and it is further

Duty to Disclose Changes in Mailing Address

ORDERED that the Respondent parent(s) or other person(s) legally responsible for the children's care are required to notify the local social services district or agency of any change of mailing address; and it is further

Planning Conferences

ORDERED that the parent(s) other person(s) legally responsible for the children's care shall be notified of the planning conference(s) to be held and of (his)(her)right to attend such conference(s) with counsel or other person; and it is further

Visiting Plans

ORDERED that Petitioner shall provide the parent, Jacob Teitelbaum, with visits with the children as follows: D.S.S.-supervised on at least a weekly basis and the parent shall visit in accordance with the plan; and it is further

Permanency Hearing Order

1. ORDERED that the permanency plan is:
 - reunification with the parent(s) the children's care by: January 26, 2011
2. ORDERED that Petitioner's permanency plan for the above-named children is
 - approved without modification; anticipated date for achievement: January 26, 2011; and it is further
3. ORDERED that the educational vocational components of the children's permanency plan are appropriate; anticipated date for achievement: January 26, 2011; and it is further
4. ORDERED that any modifications of the Permanency Hearing report shall be given by Petitioner to the parent(s), along with a copy of this Order; and it is further

Date Certain for Next Permanency

ORDERED that if the children remain in foster care or in placement with a relative or other suitable person, the next permanency hearing shall be held on: January 26, 2011 at 9:15 a.m.

Petitioner shall transmit notice of the hearing and a permanency report no later than 14 days in advance of the above date certain to the Respondent and non-respondent parents, other parties, attorneys, the children's attorney and any pre-adoptive parents or relatives providing care to the children and shall also transmit notice of the hearing to former foster parent(s) who have had care of the children in excess of 12 months.

Dated: September 16, 2010

[Faint court stamp and handwritten notes are visible in this area]

ENTER

[Signature]
 Judge of the Family Court

PURSUANT TO §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 CHILDREN'S ATTORNEY UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

Order mailed on [specify date(s) and to whom mailed]: 9/28/10, Pet

Order received in court on [specify date(s) and to whom given]: _____

IN THE MATTER OF

██████████ TEITELBAUM & ██████████ TEITELBAUM

CHILDREN UNDER EIGHTEEN YEARS OF AGE ALLEGED TO BE NEGLECTED BY
MIRIAM TEITELBAUM & JACOB TEITELBAUM

RESPONDENTS

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PLEASE TAKE NOTICE:

- () NOTICE OF ENTRY - that the within is a (certified) true copy of Order of Fact-Finding and Disposition and Permanency Hearing as to Jacob Teitelbaum entered in the office of the clerk of the within named Court on _____, 2010
- (✓) NOTICE OF SETTLEMENT - that an Order of which the within is a true copy will be presented for settlement before a Judge of the within named Court at Family Court on September 13, 2010 at 9:00 a.m. No personal appearance is required. Written comments on the accuracy of this order must be received by the Court no later than the above notice of settlement date.

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STATE OF NEW YORK, COUNTY OF ORANGE

ROBIN LEE MUTH, being sworn, says: I am not a party to the action, am over eighteen (18) years of age and reside at Montgomery, New York.

On September 1, 2010 I am serving a true copy of the annexed Order of Fact-Finding and Disposition and Permanency Hearing as to Jacob Teitelbaum by mailing the same in a sealed envelope with postage prepaid thereon in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

- Orange County Sheriff's Department, 110 Wells Farm Road, Goshen, NY 10924 (only if checked)
- Legal Aid Society of Orange County, Inc., Post Office Box 328, Goshen, NY 10924 (only if checked)
- Orange County Department of Social Services, 23 Hatfield Lane, Goshen, NY 10924
- Children's Rights Society, Inc., Law Guardian; 213 West Main Street, PO Box 1002, Goshen, NY 10924
- John F. X. Burke, Esq., 210 Main Street, POB 943, Goshen, NY 10924

Robin Lee Muth
ROBIN LEE MUTH

Sworn to before me on September 1, 2010

Katherine A. Antonini

KATHERINE A. ANTONINI
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 01BA5078298
Commission Expires May 27, 2011

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COUNTY ATTORNEY OF ORANGE COUNTY - FAMILY LAW DIVISION
Attorney for ORANGE COUNTY DEPARTMENT OF
SOCIAL SERVICES
ORANGE COUNTY COURTHOUSE
285 MAIN STREET
GOSHEN, NEW YORK 10924

IN THE MATTER OF

TEITELBAUM & TEITELBAUM

CHILDREN UNDER EIGHTEEN YEARS OF AGE ALLEGED TO BE NEGLECTED BY

MIRIAM TEITELBAUM & JACOB TEITELBAUM

RESPONDENTS

PLEASE TAKE NOTICE:

(✓) NOTICE OF ENTRY - that the within is a (certified) true copy of Order of Fact-Finding and Disposition and Permanency Hearing as to Jacob Teitelbaum

of the within named Court on September 28, 2010 entered in the office of the clerk

() NOTICE OF SETTLEMENT - that an Order of which the within is a true copy will be presented for settlement before a Judge of the within named Court at Family Court on September 28, 2010 at 9:00 a.m. No personal appearance is required. Written comments on the accuracy of this order must be received by the Court no later than the above notice of settlement date.

STATE OF NEW YORK, COUNTY OF ORANGE

ROBIN LEE MUTH, being sworn, says: I am not a party to the action, am over eighteen (18) years of age and reside at Montgomery, New York.

On October 1, 2010 I am serving a true copy of the annexed Order of Fact-Finding and Disposition and Permanency Hearing as to Jacob Teitelbaum

by mailing the same in a sealed envelope with postage prepaid thereon in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

- Orange County Sheriff's Department, 110 Wells Farm Road, Goshen, NY 10924 (only if checked)
Legal Aid Society of Orange County, Inc., Post Office Box 328, Goshen, NY 10924 (only if checked)
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John F. X. Burke, Esq., 210 Main Street, POB 943, Goshen, NY 10924

Sworn to before me on October 1, 2010

Robin Lee Muth
ROBIN LEE MUTH

KATHERINE A. ANTONINI
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 01BA5078298
Commission Expires May 27, 2011

COUNTY ATTORNEY OF ORANGE COUNTY - FAMILY LAW DIVISION
Attorney for ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES
ORANGE COUNTY COURTHOUSE
285 MAIN STREET
GOSHEN, NEW YORK 10924