§ 1017. Placement of children. 1. In any proceeding under this article, when the court determines that a child must be removed from his or her home, pursuant to part two of this article, or placed, pursuant to section one thousand fifty-five of this article:

(a) the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any non-respondent parent of the child and any relatives of the child, including all of the child's grandparents, all relatives or suitable persons identified by any respondent parent or any non-respondent parent and any relative identified by a child over the age of five as a relative who plays or has played a significant positive role in his or her life. The local commissioner shall inform them in writing of the pendency of the proceeding and of the opportunity for non-respondent parents to seek temporary release of the child under this article or custody under article six of this act or for relatives to seek to become foster parents or to provide free care under this article or to seek custody pursuant to article six of this act; or for suitable persons to become foster parents or provide free care under this article or to seek guardianship pursuant to article six of this act. Uniform statewide rules of court shall specify the contents of the notice consistent with the provisions of this section. The local commissioner of social services shall report the results of such investigation, or investigations to the court and parties, including the attorney for the child. The local commissioner shall also record the results of the investigation or investigations, including, but not limited to, the name, last known address, social security number, employer's address and any other identifying information to the extent known regarding any non-respondent parent, in the uniform case record maintained pursuant to section four hundred nine-f of the social services law. For the purpose of this section, "non-respondent parent" shall include a person entitled to notice of the pendency of the proceeding and of the right to intervene as an interested party pursuant to subdivision (d) of section one thousand thirty-five of this article, and a non-custodial parent entitled to notice and the right to enforce visitation rights pursuant to subdivision (e) of section one thousand thirty-five of this article.

(b) The court shall also direct the local commissioner of social services to conduct an investigation to locate any person who is not

recognized to be the child's legal parent and does not have the rights of a legal parent under the laws of the state of New York but who (i) has filed with a putative father registry an instrument acknowledging parentage of the child, pursuant to section 4-1.2 of the estates, powers and trusts law, or (ii) has a pending parentage petition, or (iii) has been identified as a parent of the child by the child's other parent in a written sworn statement. The local commissioner of social services shall report the results of such investigation to the court and parties, including the attorney for the child.

(c) The court shall determine:

(i) whether there is a non-respondent parent, relative or suitable person with whom such child may appropriately reside; and

(ii) in the case of a relative or suitable person, whether such individual seeks approval as a foster parent pursuant to the social services law for the purposes of providing care for such child, or wishes to provide free care for the child during the pendency of any orders pursuant to this article.

2. The court shall, upon receipt of the report of the investigation ordered pursuant to subdivision one of this section:

(a) where the court, after a review of the reports of the sex offender registry established and maintained pursuant to section one hundred sixty-eight-b of the correction law, reports of the statewide computerized registry of orders of protection established and maintained pursuant to section two hundred twenty-one-a of the executive law, related decisions in court proceedings under this article and all warrants issued under this act, determines that the child may appropriately reside with a non-respondent parent or other relative or suitable person, either:

(i) grant a temporary order of custody or guardianship to such non-respondent parent, relative or suitable person pursuant to a petition filed under article six of this act pending further order of the court, or at disposition of the proceeding, grant a final order of custody or guardianship to such non-respondent parent, relative or suitable person pursuant to article six of this act and section one thousand fifty-five-b of this article; or

(ii) temporarily release the child directly to such non-respondent

parent or temporarily place the child with a relative or suitable person pursuant to this article during the pendency of the proceeding or until further order of the court, whichever is earlier and conduct such other and further investigations as the court deems necessary. The court may direct the commissioner of social services, pursuant to regulations of the office of children and family services, to commence an investigation of the home of such non-respondent parent, relative or suitable person within twenty-four hours and to report the results to the court and the parties, including the attorney for the child. If the home of a non-respondent parent, relative or suitable person, is found unqualified as appropriate for the temporary release or placement of the child under this article, the local commissioner shall report such fact and the reasons therefor to the court and the parties, including the attorney for the child, forthwith; or

(iii) remand or place the child, as applicable, with the local commissioner of social services and direct such commissioner to have the child reside with such relative or suitable person and further direct such commissioner pursuant to regulations of the office of children and family services, to commence an investigation of the home of such relative or other suitable person within twenty-four hours and thereafter approve such relative or other suitable person, if qualified, as a foster parent. If such home is found to be unqualified for approval, the local commissioner shall report such fact and the reasons thereafter to the court and the parties, including the attorney for the child, forthwith.

(b) where the court determines that a suitable non-respondent parent or other person related to the child cannot be located, remand or place the child with a suitable person, pursuant to subdivision (b) of section one thousand twenty-seven or subdivision (a) of section one thousand fifty-five of this article, or remand or place the child in the custody of the local commissioner of social services pursuant to subdivision (b) of section one thousand twenty-seven or subdivision (a) of section one thousand fifty-five of this article. The court in its discretion may direct that such commissioner have the child reside in a specific certified foster home where the court determines that such placement is in furtherance of the child's best interests.

3. An order temporarily releasing a child to a non-respondent parent or parents, or temporarily placing a child with a relative or relatives or other suitable person or persons pursuant to subparagraph (ii) of paragraph (a) of subdivision two of this section or remanding or placing a child with a local commissioner of social services to reside with a relative or relatives or suitable person or persons as foster parents pursuant to subparagraph (iii) of paragraph (a) of subdivision two of this section may not be granted unless the person or persons to whom the child is released, remanded or placed submits to the jurisdiction of the court with respect to the child. The order shall set forth the terms and conditions applicable to such person or persons and child protective agency, social services official and duly authorized agency with respect to the child and may include, but may not be limited to, a direction for such person or persons to cooperate in making the child available for court-ordered visitation with respondents, siblings and others and for appointments with and visits by the child protective agency, including visits in the home and in-person contact with the child protective agency, social services official or duly authorized agency, and for appointments with the child's attorney, clinician or other individual or program providing services to the child during the pendency of the proceeding. The court also may issue a temporary order of protection under subdivision (f) of section one thousand twenty-two, section one thousand twenty-three or section one thousand twenty-nine of this article and an order directing that services be provided pursuant to section one thousand fifteen-a of this part.

4. Nothing in this section shall be deemed to limit, impair or restrict the ability of the court to remove a child from his or her home as authorized by law, or the right of a party to a hearing pursuant to section ten hundred twenty-eight of this article.

5. (a) In any case in which an order has been issued pursuant to this article remanding or placing a child in the custody of the local social services district, the social services official or authorized agency charged with custody or care of the child shall report any anticipated change in placement to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one

business day following either the decision to change the placement or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

(b) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall schedule a court review to make an assessment and determination of such placement in accordance with section one thousand fifty-five-c of this article. Notwithstanding any other provision of law to the contrary, such court review shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.