§ 1051. Sustaining or dismissing petition. (a) If facts sufficient to sustain the petition are established in accord with part four of this article, or if all parties and the attorney for the child consent, the court shall, subject to the provisions of subdivision (c) of this section, enter an order finding that the child is an abused child or a neglected child and shall state the grounds for the finding.

(b) If the proof does not conform to the specific allegations of the petition, the court may amend the allegations to conform to the proof; provided, however, that in such case the respondent shall be given reasonable time to prepare to answer the amended allegations.

(c) If facts sufficient to sustain the petition under this article are not established, or if, in a case of alleged neglect, the court concludes that its aid is not required on the record before it, the court shall dismiss the petition and shall state on the record the grounds for the dismissal.

(d) If the court makes a finding of abuse or neglect, it shall determine, based upon the facts adduced during the fact-finding hearing and any other additional facts presented to it, whether a preliminary order pursuant to section one thousand twenty-seven is required to protect the child's interests pending a final order of disposition. The court shall state the grounds for its determination. In addition, a child found to be abused or neglected may be removed and remanded to a place approved for such purpose by the local social services department or be placed in the custody of a suitable person, pending a final order of disposition, if the court finds that there is a substantial probability that the final order of disposition will be an order of placement under section one thousand fifty-five. In determining whether substantial probability exists, the court shall consider the requirements of subdivision (b) of section one thousand fifty-two.

(e) If the court makes a finding of abuse, it shall specify the paragraph or paragraphs of subdivision (e) of section one thousand twelve of this act which it finds have been established. If the court makes a finding of abuse as defined in paragraph (iii) of subdivision (e) of section one thousand twelve of this act, it shall make a further finding of the specific sex offense as defined in article one hundred thirty of the penal law. In addition to a finding of abuse, the court may enter a finding of severe abuse or repeated abuse, as defined in

subparagraphs (i), (ii) and (iii) of paragraph (a) or subparagraphs (i) and (ii) of paragraph (b) of subdivision eight of section three hundred eighty-four-b of the social services law, which shall be admissible in a proceeding to terminate parental rights pursuant to paragraph (e) of subdivision four of section three hundred eighty-four-b of the social services law; provided, however, that a finding of severe or repeated abuse under this section may be made against any respondent as defined in subdivision (a) of section one thousand twelve of this act. If the court makes such additional finding of severe abuse or repeated abuse, the court shall state the grounds for its determination, which shall be based upon clear and convincing evidence.

(f) Prior to accepting an admission to an allegation or permitting a respondent to consent to a finding of neglect or abuse, the court shall inform the respondent that such an admission or consent will result in the court making a fact-finding order of neglect or abuse, as the case may be, and shall further inform the respondent in substantially the following terms of the potential consequences of such order, including but not limited to the following:

(i) that the court will have the power to make an order of disposition, which may include an order placing the subject child or children in foster care until completion of the initial permanency hearing scheduled pursuant to section one thousand eighty-nine of this act and subject to successive extensions of placement at any subsequent permanency hearings;

(ii) that the placement of the children in foster care may, if the parent fails to maintain contact with or plan for the future of the child, lead to proceedings for the termination of parental rights and to the possibility of adoption of the child if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to file a petition to terminate parental rights;

(iii) that any report made to the state central register of child abuse and maltreatment of allegations on which the court makes a finding of abuse or neglect will remain indicated in the register until ten years after the eighteenth birthday of the youngest child named in such report unless such finding is vacated or dismissed, and that:

(A) the respondent will be unable to amend such report in the state central register; and

(B) the existence of such report may be made known to employers required to screen employee or volunteer applicants for positions where the individual has the potential for regular and substantial contact with children, and to child care agencies if the respondent applies to become a foster parent or adoptive parent unless:

(1) the court finding is for neglect and the report is eight or more years old; or

(2) the report was determined not to be relevant to positions involving contact with children in an earlier administrative proceeding.

Any finding upon such an admission or consent made without such notice being given by the court shall be vacated upon motion of any party. In no event shall a person other than the respondent, either in person or in writing, make an admission or consent to a finding of neglect or abuse.