**§ 355.2. Motion procedures.** 1. A motion for relief pursuant to section 355.1 must be in writing and must state the specific relief requested. If the motion is based upon the existence or occurence of facts, the motion papers must contain sworn allegations thereof; such sworn allegations may be based upon personal knowledge of the affiant or upon information and belief, provided that in the latter event the affidavit must state the sources of such information and the grounds of such belief.

2. Notice of such motion, including the court's own motion, shall be served upon the respondent, the presentment agency and the commissioner of social services or the division for youth having custody of the respondent. Motions shall be noticed in accordance with the civil practice law and rules.

3. Each party to the motion shall have the right to oral argument and the court shall conduct a hearing to resolve any material question of fact.

4. Regardless of whether a hearing is conducted, the court, upon determining the motion, must set forth on the record its findings of fact, its conclusions of law and the reasons for its determination.

5. If the motion is denied, a motion requesting the same or similar relief cannot be filed for a period of ninety days after such denial, unless the order of denial permits renewal at an earlier time.