**§ 355.3 Extension of placement.** 1. In any case in which the respondent has been placed pursuant to section 353.3 the respondent, the person with whom the respondent has been placed, the commissioner of social services, or the division for youth may petition the court to extend such placement. Such petition shall be filed at least sixty days prior to the expiration of the period of placement, except for good cause shown but in no event shall such petition be filed after the original expiration date.

2. The court shall conduct a hearing concerning the need for continuing the placement. The respondent, the presentment agency and the agency with whom the respondent has been placed shall be notified of such hearing and shall have the opportunity to be heard thereat. If the petition is filed within sixty days prior to the expiration of the period of placement, the court shall first determine at such hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

3. The provisions of sections 350.3 and 350.4 shall apply at such hearing.

4. At the conclusion of the hearing the court may, in its discretion, order an extension of the placement for not more than one year. The court must consider and determine in its order:

(i) that where appropriate, and where consistent with the need for the protection of the community, reasonable efforts were made to make it possible for the respondent to safely return to his or her home;

(ii) in the case of a respondent who has attained the age of sixteen, the services needed, if any, to assist the child to make the transition from foster care to independent living; and

(iii) in the case of a child placed outside New York state, whether the out-of-state placement continues to be appropriate and in the best interests of the child.

5. Pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court may, on its own motion or at the request of the petitioner or respondent,

enter one or more temporary orders extending a period of placement for a period not to exceed thirty days upon satisfactory proof showing probable cause for continuing such placement and that each temporary order is necessary. The court may order additional temporary extensions, not to exceed a total of fifteen days, if the court is unable to conclude the hearing within the thirty day temporary extension period. In no event shall the aggregate number of days in extentions granted or ordered under this subdivision total more than forty-five days. The petition shall be dismissed if a decision is not rendered within the period of placement or any temporary extension thereof.

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday except as provided for in subdivision four of section 353.5 of this part.

7. A youth who was formerly a respondent pursuant to this article may be eligible to file a motion pursuant to article ten-B of this act and may be subsequently placed into foster care, in a supervised setting as defined in subdivision twenty-two of section three hundred seventy-one of the social services law or placement in a foster family home, which shall include a kinship placement or a placement with fictive kin.