§ 637. Burden of proof, disposition and findings. (a) The petitioner shall have the burden of proof by clear and convincing evidence that restoration of parental rights is in the child's best interests, that the requirements of section six hundred thirty-five of this part have been met and that all of the parties and the child have consented or, if the petitioner in the proceeding in which guardianship and custody have been committed failed to consent to the relief requested, that such failure was without good cause.

(b) The court shall state on the record the reason or reasons for its disposition of the petition. The court may make the following orders of disposition:

(i) The court may grant the petition, modify the order of disposition previously entered in the termination of parental rights proceeding and transfer guardianship and custody of the child to the birth parent or parents, provided, however, that the findings of fact rendered pursuant to section six hundred twenty-two of this article or subdivision four of section three hundred eighty-four-b of the social services law that formed the basis for the adjudication terminating parental rights shall remain; or

(ii) The court may dismiss the petition, in which case the commitment of guardianship and custody of the child to the authorized agency or individual would continue and a permanency hearing would be required to be held as scheduled in accordance with article ten-A of this act; or

(iii) The court may grant the petition conditionally for a designated period of up to six months, during which time guardianship and custody of the child shall remain with the local social services district or authorized agency while the child may visit with, or be placed on a trial discharge with, the birth parent or parents. The court shall direct the district or agency to supervise the child's birth parent or parents, develop a reunification plan and provide appropriate transitional services to the child and birth parent or parents and report to the parties, attorney for the child and the court not later than thirty days prior to the expiration of the designated period. The court shall schedule the proceeding to be heard prior to the expiration of the designated period and shall determine whether to grant the petition permanently in accordance with paragraph (i) of this subdivision or dismiss the petition in accordance with paragraph (ii) of

this subdivision. The court shall state its reasons for its determination. If the petition is permanently granted, the child's custody and guardianship shall be transferred to the birth parent or parents. If the child has been removed from the custody of the birth parent or parents prior to the expiration of the designated period by reason of a report of suspected child abuse or maltreatment, the court shall schedule the proceeding to be heard on notice to the parties and attorney for the child, may terminate the trial discharge and may dismiss the petition in accordance with paragraph (ii) of this subdivision.