

F.C.A §§651, 652, 654;
D.R.L §240

General Form 18
(Order on Petition for Custody or Visitation)
9/2009

At a term of the Family Court of the State of New York
held in and for the County of _____, at
New York, on _____,

PRESENT:

Hon.
Judge

.....
In the Matter of a Proceeding for
 Custody Visitation under
 Article 6 of the Family Court Act
 Section 240 of the Domestic Relations Law

Docket No.

- FINAL ORDER
- TEMPORARY ORDER
ON PETITION FOR
- CUSTODY
- VISITATION

_____ Petitioner,
against -
_____ Respondent

.....
**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN
INCARCERATION FOR CRIMINAL CONTEMPT.**

The Petitioner herein having filed a petition on [specify date]: _____, _____, pursuant to Article 6 of the Family Court Act Section 240 of the Domestic Relations Law, requesting an order awarding custody visitation of the following minor children [list each child as follows]:

Name of Child: _____ Date of Birth: _____

[Check applicable box(es)]:

And the Respondent having been served not been served with a copy of the petition,
 been advised by the Court of the right to counsel, and
having denied admitted the allegations of the petition, and
having appeared not appeared before this Court to answer the petition
and to show cause why an order of custody visitation should not be granted;

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court’s warrant and child protective records, and having notified the attorneys for the parties and for the child [check if applicable]: and the following self-represented party or parties [specify]: _____ of the results of these searches;

And the Court having considered and relied upon the following results of these searches in making this decision [specify; if no results found, so indicate]: _____

[Applicable to TEMPORARY orders only where less than 90 days have elapsed since last record review]: And the Court, having dispensed with the search of the statewide registry of orders of

protection, the sex offender registry and the Family Court’s warrant and child protective records because these databases had been reviewed within the past 90 days;

[Applicable where a party had made an allegation of domestic violence or child abuse; findings must be stated on the record, included in a written decision OR included in this order; check applicable box]:

- And the Court having explained its findings on alleged domestic violence or child abuse on the record;
- And the Court having issued a written decision containing its findings on alleged domestic violence or child abuse;
- And the Court having found that the allegation that [specify party]:
had committed domestic violence or child abuse against [specify party or child(ren)]:
 was was not proven by a preponderance of the evidence, and having considered the effect of such domestic violence or child abuse upon the best interests of the child(ren) and relevant facts and circumstances as follows in making this order [specify how findings, facts and circumstances were factored into this Order]:

**And the matter having duly come on to be heard before this Court;
NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, this Court finds and determines that:**

[For modification cases: delete if inapplicable]:¹ The following change of circumstances has occurred since the entry of the order judgment, dated [specify]: _____, awarding custody visitation [specify change in circumstance]:

[Applicable to cases where Petitioner is a relative or other non-parent and where hearing was consolidated with child protective dispositional or permanency hearing, pursuant to F.C.A. §§1055-b or 1089-a; delete if inapplicable]:

Termination of the order placing or remanding the child(ren) pursuant to Article 10 or 10-A of the Family Court Act will will not not jeopardize the child(ren)’s safety and is is not in the best interests of the child(ren).

The child(ren)’s birth mother has has not consented to the award of custody to the Petitioner. If not, the following extraordinary circumstances support Petitioner’s standing to seek custody of the child(ren) [specify]:

The child’s legally-established birth father has has not consented to the award of custody to the Petitioner. If not, the following extraordinary circumstances support Petitioner’s standing to seek custody of the child(ren) [specify]:

The child has been living with the following foster parent(s)[specify]: _____ for a period in excess of one year, who has/have has/have not consented to the award of custody to the Petitioner.

The local department of social services, the petitioner in the related child abuse or neglect permanency proceeding has has not consented to the award of custody to the Petitioner.

¹ Form 40-a, the Order on Petition for Modification, may be used instead of this form in modification cases.

The attorney for the child(ren) [specify]: _____ in the related
 child abuse or neglect permanency proceeding has has not consented to the award of custody to the
Petitioner.

And this Court further finds and determines that [specify]:

And it is therefore ORDERED that the best interests of the above-named child or children require
that [check applicable box(es)]: custody visitation be awarded as follows [specify]:

_____ ; and it is further

[Applicable to cases involving a party or parties in the military; delete if inapplicable]:

ORDERED that, since Petitioner Respondent is on active duty, deployed or temporarily
assigned to military service and since such service affects such party's ability to act as a joint or primary
custodian of the child(ren), the return of such party from such active duty shall constitute a substantial change
of circumstances sufficient to entitle such party to a review of this Order for possible modification if in the
child(ren)'s best interests, unless the parties and child(ren)'s attorney have otherwise stipulated or agreed; and
it is further

ORDERED that during the period of active military service, deployment or temporary assignment,
the party on such duty shall be permitted the following contact and visitation with the child [specify,
including electronic communication and visitation during military leaves]:

_____ ; and it is further

**[Applicable to cases where hearing was consolidated with child protective dispositional or
permanency hearing, pursuant to F.C.A. §§1055-b or 1089-a; delete if inapplicable]:**

ORDERED that the following local department of social services [specify]: _____
and the following attorney for the child(ren)[specify]: _____ shall be notified and shall be
made parties to any subsequent proceedings for modification, enforcement or termination of the Order; and it
is further

[Applicable to temporary orders]: **This Order shall expire** [check applicable box]:
 on the following date [specify]: _____ upon issuance of a further or final order in this case.

AND IT IS FURTHER ORDERED that [specify]:

ENTER

Dated:

Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER
MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35
DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF
COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE CHILD'S ATTORNEY UPON THE
APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____