

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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In The Matter of a Proceeding for
Custody Visitation under Article 4 5 6
of the Family Court Act or Section 240
of the Domestic Relations Law

Petitioner

Docket No.
PETITION
 CUSTODY
 VISITATION

-against-

Respondent

.....

TO THE FAMILY COURT:

The Petitioner respectfully alleges upon information and belief that:

1. a. Petitioner, _____, [check applicable box]: resides is located at [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

b. Petitioner is [specify relationship to child; if foster parent, agency, institution or other relationship, so state]:

c. [Applicable when Petitioner is on active military duty or has recently returned from active military service; DELETE if inapplicable]:

Petitioner is on active duty, deployed or temporarily assigned to military service as follows [specify type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:²

Petitioner returned from active duty, deployment or temporarily assignment to military service as follows [specify date of return, type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

2. a. Respondent, _____, [check applicable box]: resides is located at [specify address or indicate if ordered to be confidential, pursuant to Family Court Act §154-b(2) or Domestic

¹ Note: If a custody or visitation proceeding is pending in, or an order of custody or visitation has been issued by, a court outside of the State of New York, including a Native-American tribunal, the custody/visitation petition for proceedings under the *Uniform Child Custody Jurisdiction and Enforcement Act*, Form UCCJEA-1 should be utilized instead of this form. If a prior order of custody or visitation had been entered by a Court of this State, the petition for modification or enforcement, General Forms 40 or 41, should be used instead of this form.

² Inapplicable if Petitioner is based at a permanent duty station or has had a permanent reassignment of station.

Relations Law §254]:

b. Respondent is [specify relationship to child; if foster parent, agency, institution or other relationship, so state]:

c. [Applicable when Respondent is on active military duty or has recently returned from active military service; DELETE if inapplicable]:

Respondent is on active duty, deployed or temporarily assigned to military service as follows [specify type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:³

Respondent returned from active duty, deployment or temporarily assignment to military service as follows [specify date of return, type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

3. [Delete if inapplicable]: An order was issued by _____ Court, _____ County, State of _____, referring the issue of custody visitation to the Family Court of the State of New York in and for the County of [specify]:

4. The name, present address and date of birth of each child who is the subject of this proceeding are as follows [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>
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5. (Upon information and belief) During the last five years, each child who is the subject of this proceeding resided at [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

<u>Name of Child</u>	<u>Child's Address</u>	<u>Duration</u> (from/to)	<u>Name of Person</u> <u>With Whom Child</u> <u>Resided</u>	<u>Current Address</u> <u>of the Person With</u> <u>Whom Child</u> <u>Resided</u>
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6. [Check applicable box(es). Delete inapplicable provisions]:

- a. The father of the child(ren) who (is)(are) the subject(s) of this proceeding is [specify]:
 - The father was married to the child(ren)'s mother at the time of the conception or birth.
 - An order of filiation was made on [specify date and court and attach true copy]:
 - An acknowledgment of paternity was signed on [specify date]: _____ by [specify who signed and attach a true copy]:
 - The father is deceased.

³ Inapplicable if Respondent is based at a permanent duty station or has had a permanent reassignment of station.

b. The father of the child(ren) who (is)(are) the subject(s) of this proceeding has not been legally established.

c. A paternity agreement or compromise was approved by the Family Court of _____ County on _____, _____, concerning [name parties to agreement or compromise _____ and child(ren)]:
A true copy of the agreement or compromise is attached to this petition..

7. [Applicable to cases in which mother is not a party]: The name and address of the mother is [indicate if deceased or if address ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

8. [Delete if inapplicable]: Petitioner has participated as a party witness other capacity [specify]: _____ in other litigation concerning the custody of the same children in New York State Other jurisdiction [specify]:⁴
If so, specify type of case, capacity of participation, court, location and status of case.

9. A custody or visitation proceeding concerning the same child(ren) is is not pending in New York State. [If pending, give court docket number and status of case]:

10. The custody or visitation of the child(ren) has been agreed upon in the following custody, separation or guardianship agreement, dated [specify, and attach copy]:

11. Petitioner Respondent obtained custody of the child(ren) on [specify date]: _____, as follows:

12. [Applicable to cases in which child protective petition or permanency hearing report has been filed regarding the children and in which petitioner is a relative or other non-parent; delete if inapplicable]:

a. A child protective petition, Docket # [specify]: _____, was filed in Family Court, [specify county]: _____ on [specify date]: _____ alleging that [specify names of respondents on that petition]:

neglected or abused the above-named child(ren). The petition resulted in [specify whether finding was made and, if so, the disposition; if the disposition has been adjourned pending a consolidated hearing with this petition, pursuant to F.C.A. §1055-b, so indicate and give next court date]:

b. A permanency report, Docket # [specify]: _____, pursuant to Article 10-A of the Family Court Act, was filed in Family Court, [specify county]: _____ on [specify date]: _____ indicating a permanency plan of custody of the child(ren) with Petitioner in this proceeding. The

⁴ If litigation occurred in Native-American tribunal, so indicate.

permanency hearing was adjourned to [specify date]: pending a consolidated hearing with this petition, pursuant to F.C.A. §1089-a.

c. The child'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]:

d. 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]:

e. The child has been living with the following foster parent(s)[specify]:
since [specify date]: The foster parent(s)
 has/have has/have not consented to the award of custody to the Petitioner. [If unaware whether they have consented, so state]:

f. The local department of social services [specify]: in the related child abuse or neglect permanency proceeding has has not consented to the award of custody to the Petitioner. [If unaware whether they have consented, so state]:

g. 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. [If unaware whether they have consented, so state]:

13. It would be in the best interests of the child(ren) to have custody visitation awarded to the Petitioner for the following reasons:

14. An Order of Protection or Temporary Order of Protection was issued [check applicable box(es)]: against Respondent against me in the following criminal, matrimonial or Family Court proceeding(s) [specify the court, docket or index number, date of order, next court date and status of case, if available]:

The Order of Protection Temporary Order of Protection expired or will expire on [specify date]:

15. Petitioner requests a Temporary Order of Protection pursuant to Family Court Act §655 because [specify]:

16. The subject child(ren) are are not Native-American child(ren) subject to the Indian

Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

17. No previous application has been made in any court, including a Native-American tribunal, or to any judge for the relief herein requested, (except:

WHEREFORE, Petitioner requests an order awarding custody visitation of the child(ren) to the Petitioner and for such other and further relief as the Court may determine.

Dated:

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK)

:ss:

COUNTY OF)

being duly sworn, says that (s)he is the Petitioner in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of

(Deputy) Clerk of the Court
Notary Public