

D.R.L. §113

[Applicable where the termination of parental rights petition was filed before a judge other than the Family Court Judge who heard the most recent Family Court proceeding. This form should be submitted by the Family Court judge who heard the most recent proceeding to the judge before whom the termination petition is pending so that the latter judge can incorporate the determination into the Order Regarding Venue, Form TPR-14]

TPR-13
(Termination of Parental Rights--
Determination of Family Court Judge
Regarding Venue)
(9/2006)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of the Commitment of
Guardianship and Custody pursuant to
§ 384-b of the Social Services Law of

Docket No.
DETERMINATION OF
FAMILY COURT JUDGE
REGARDING VENUE

CIN #
A Child under the Age of Eighteen Years

.....

I, [specify name]: _____, a Judge of
the Family Court, _____ County, affirm the following:

1. I am the judge who presided over the following proceeding(s) in Family Court, _____ County, regarding the above-named child:
 - child protective proceeding involving this child.
 - foster care placement proceeding involving the child.
 - surrender proceeding regarding the child's other parent [specify]:
 - termination of parental rights proceeding regarding the child's other parent [specify]:
 - permanency hearing regarding the child on [specify date]:
 - other [specify, including date]:

2. This child remains under the jurisdiction of this Court. The most recent permanency hearing was held before [specify judge or referee] _____ in Family Court, [specify county]: _____, on [specify date]: _____.

3. This Court has notified the Petitioner in the above Family Court proceeding(s), the Respondent(s) in the above Family Court proceeding(s) who are also parties to this proceeding and the law guardian in the above Family Court proceeding(s) and has given them the opportunity to
 present facts and legal argument
 participate in the communication with the Court in which the termination of parental rights proceeding has been filed.

Their positions regarding the venue of this proceeding are as follows:

- Petitioner [specify]:
- Respondent(s) [specify; if more than one, include separate paragraphs for each]:

Law guardian [specify]:

3. After communicating with the Court in which the termination of parental rights proceeding has been filed, and after consideration of the positions of the Petitioner, Respondent(s) and law guardian in the above Family Court proceedings, I have determined the following:

The termination of parental rights proceeding should be transferred to this Court forthwith but in no event more than 35 days from the filing of the termination of parental rights petition;

OR

The termination of parental rights petition should be heard by the Court in which it has been filed.

4. The reasons for this determination are as follows [check applicable box(es); explain]:

Relative familiarity of each Court with the facts and circumstances regarding permanency planning for, and the needs and best interests of, this child [explain]:

Ability of the child's law guardian [specify]: _____ to continue to represent the child in the termination of parental rights proceeding [explain]:

Relative convenience of each Court to the parties and witnesses in the termination of parental rights proceeding [explain]:

Relative ability of each Court to proceed in the termination of parental rights proceeding expeditiously [explain]:

Other [explain]:

WHEREFORE, for the reasons stated above, I am requesting that the Court in which the termination of parental rights petition has been filed incorporate the above determination into an Order to be issued within 30 days of the filing of the termination of parental rights petition.

Signature of Affirmant

Affirmant's Name (print or type)

Family Court Address and Telephone Number