F.C.A.§§1055, 1055-c, 1071, 1072 Form 10-13a

S.S.L. §§393, 409-h (Child Protective- Affirmation in Support of Motion for an Order of Violation of Order of Disposition)

 (1/2024)

FAMILY COURT OF THE STATE OF NEW YORK

COUNTY OF

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 In the Matter of Docket No.

 CIN #:

A Child under Eighteen Years of

Age alleged to be AFFIRMATION IN

❑Abused ❑Neglected by SUPPORT OF MOTION FOR ORDER

OF VIOLATION OF ORDER OF

 DISPOSITION

Respondent(s)

.......................................................................................

 , [check if applicable]: □ an attorney duly admitted to practice law in the State of New York, ❑ affirms the following to be true under the penalties of perjury:

 1. I am [state title/position]: , the Petitioner in the above-entitled action. I am making this affidavit in support of the motion for an Order regarding a violation of the Order of Disposition in the above-entitled case.

 2. On [specify date]: , the above-named child(ren) (was)(were) adjudicated to be [check applicable box(es)]: ❑ neglected ❑ abused ❑ severely abused

❑ repeatedly abused within the meaning of Article 10 of the Family Court Act.

 3. An Order of Disposition was issued by this Court, dated [specify]: requiring the following Respondent(s) [specify]: to comply with the terms and conditions of an Order of [check applicable box(es)]:

❑ Suspended Judgment ❑ Protection ❑ Supervision ❑ Placement.

 4. Under the terms of the Order, the following terms and conditions were imposed upon

[specify Respondent(s)]: , the ❑ parent(s)

❑ person(s) legally responsible for the care of the child(ren) [specify]:

 .

 5. (Upon information and belief) The following Respondent(s) [specify]: willfully and without just cause, violated the terms and provisions of the Order in that [specify provision(s) of order violated and nature of violation]:

 .

 6. [Required if removal has occurred or is requested; check applicable box(es)]:

 a. ❑ (Upon information and belief) On [specify date]: , the following child(ren)[specify]: were temporarily removed from the care of the following Respondent(s) [specify]: on the basis of the following facts and for the following reasons [specify]:

in accordance with [check applicable box]:

 ❑ a court order pursuant to Family Court Act §1027, issued on [specify]:

 ❑ consent of the following Respondent(s) [specify]: obtained on [specify date]: pursuant to Family Court Act §1021.

 ❑ on an emergency basis without a court order pursuant to Family Court Act §1024. There was no time to obtain a court order because [specify]:

 b. ❑ (Upon information and belief) The child(ren) should be removed from the care of the following Respondent(s) [specify]: in accordance with Family Court Act §1027 in order to prevent imminent risk to the child(ren)’s life or health on the basis of the following facts and for the following reasons [specify]:

 c. ❑ The Order of Disposition should be modified as follows [specify, including whether placement of child(ren) is requested]:

in the child’s best interests in accordance with Family Court Act §1052 on the basis of the following facts and for the following reasons [specify]:

 7. [Required if removal or continued removal of children is requested]:

 a. Continuation in, or return to, the child(ren)'s home would be contrary to the best interests of the child(ren) because [specify facts and reasons]:

This assertion is based upon the following information [check applicable box(es)]:

 ❑ Report of Suspected Child Abuse or Neglect

 ❑ Case Record, dated [specify]:

 ❑ Service Plan, dated [specify]:

 ❑ The report of [specify]: , dated [specify]:

 ❑ Other [specify]:

 b. Reasonable efforts, where appropriate, to prevent or eliminate the need for removal of the child(ren) from the home [check applicable box and state reasons as indicated]:

 ❑ were made as follows [specify]:

 ❑ were not made but the lack of efforts was appropriate [check all applicable boxes]:

❑ because of a prior judicial finding that the Petitioner was not required to make reasonable efforts to reunify the child(ren) with the Respondent(s) [specify date of finding]:

 ❑ because [specify other reason(s)]:

 ❑ were not made.

This assertion is based upon the following information [check applicable box(es)]:

 ❑ Report of Suspected Child Abuse or Neglect

 ❑ Case Record, dated [specify]:

 ❑ Service Plan, dated [specify]:

 ❑ The report of [specify]: , dated [specify]:

 ❑ Other [specify]:

 c. Based upon Petitioner’s investigation [Check applicable box(es]:

❑ The following person [specify]:

 is a ❑ non-respondent parent ❑ relative ❑ suitable person

with whom the child(ren) may appropriately reside [specify]:

 [Applicable to relatives and other suitable persons]: Such person:

 ❑ seeks approval as a foster parent in order to provide care for the child(ren);

 ❑ wishes to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein.

 ❑ may be a resource but not yet determined whether as foster parent or custodian.

 ❑ (Upon information and belief) There is no non-respondent parent, relative or suitable person with whom the child(ren) may appropriately reside.

 d. (Upon information and belief) Imminent risk to the child(ren) ❑ would

❑ would not be eliminated by the issuance of a temporary order of protection or order of protection directing the removal of [specify]: from the child(ren)'s residence, based upon the following facts and for the following reasons [specify]:

 8. **[REQUIRED if placement in Qualified Residential Treatment Program is requested]:**

 a. The permanency plan for the child is [specify]: .

This plan ❑ has ❑ has not changed since the most recent dispositional or permanency hearing.

 b. The needs of the child require a higher level of care than can be provided by a foster or therapeutic foster home because [specify]:

 c. The child has been ❑ placed ❑ recommended for placement in [specify name]: a Qualified Residential Treatment Program (QRTP).

 d. [REQUIRED for request for approval of initial QRTP placement; delete if inapplicable]: The needs of the child have been assessed by a Qualified Individual as defined in Social Services Law §409-h (5) and a copy of the Qualified Individual’s report [check applicable box]::

 ❑ has been submitted separately

 ❑ is submitted herewith

 ❑ will be submitted within five days of completion but not less than (10) days prior to the date of the first-scheduled hearing on this motion.

 e. The following circumstances exist that necessitate the continued placement of the child in the QRTP [specify]:

 f. There is no alternative setting available that can meet the child’s needs in a less restrictive environment because [specify]:

 g. Continued placement in the QRTP is in the child’s best interests because [specify]:

 9. The subject child ❑ is ❑ is not a Native-American child, who is subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963). If so, the following have been notified [check applicable box(es)]: ❑ parent/custodian [specify name and give notification date]:

 ❑ tribe/nation [specify name and give notification date]:

 ❑ United States Secretary of the Interior [give notification date]:

 9. No previous application has been made to any court or judge for the relief herein requested (except [specify]:

 WHEREFORE, I respectfully request that the Order of [check applicable box(es)]:

❑ Suspended Judgment ❑ Protection ❑ Supervision ❑ Placement be revoked and that the Court make such other disposition under Article 10 of the Family Court Act as it may deem proper.

Dated , .

 Affiant

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print or Type Name

I affirm this \_\_\_ day of \_\_\_\_\_\_, \_\_\_\_, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the above statements are true, and I understand that this document may be filed in an action or proceeding in a court of law.

 Signature of Attorney, if any

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Attorney’s Name (print or type)

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 Attorney’s Address and Telephone Number