

F.C.A. §§1055, 1055-c, 1071, 1072

S.S.L. §§393, 409-h

Form 10-13a

(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

.....

In the Matter of

Docket No.

CIN #:

A Child under Eighteen Years of  
Age alleged to be

Abused  Neglected by

AFFIRMATION IN

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)

\_\_\_\_\_

\_\_\_\_\_

Attorney's Address and Telephone Number