

In the Matter of

FAMILY FILE # CIN

#

A Child under Eighteen

Years of Age Alleged to be

Abused Neglected by

NOTICE OF PENDING CHILD
PROTECTIVE PROCEEDING
Docket No.

Respondent(s)

TO [insert name(s) of non-respondent parent(s)]: _____ Enclosed is a copy of a petition filed in this Court by a child _____ protective agency alleging that [insert name(s) of Respondent(s)]:
[check applicable box(es)]: neglected abused
 severely abused repeatedly abused your child who is named in the petition. In addition, a copy of the summons that has been issued to the above-named Respondent(s) is enclosed. This summons provides you with all necessary information as to where and when the proceeding will be heard in the Family Court.

Please note that you are **not** named as a Respondent in this petition. However, because you are the parent of the child named in this petition, you are entitled to notice of the pendency of this petition. You are also entitled to notice of certain rights and information, as follows:

1. You have a right to participate in all arguments and hearings regarding the release or custody of the child during the fact-finding and dispositional phases of the proceedings. You have a right to appear in the Family Court and participate in this proceeding as an interested party intervenor for the purpose of seeking release or custody of the child:

a. You may ask for the child to be temporarily released to you while this petition is pending in court and, if a finding is made regarding the Respondent, for a designated period of time up to one year, which may be extended for a designated period so that the total period of release does not exceed two years.

OR

b. You may file a petition under Article 6 of the Family Court Act for temporary custody while this petition is pending in court and, upon final disposition of this petition, long-term custody of the child.

2. You have a right to counsel to assist you in participating in this proceeding. If you cannot afford an attorney, you may ask the court to appoint an attorney who will represent you for free.

3. If the Court determines that the child must be removed from home, the Court may order an investigation to determine whether you or someone in your family may be suitable to care for the child. Upon good cause, the Court may also order an investigation pursuant to section 1034 of the Family Court Act to determine whether a child abuse or neglect petition should be filed naming you as a Respondent.

4. If the child is placed and remains in foster care for 15 of the most recent 22 months, the agency may be required by law to file (and in certain cases, the foster parent or attorney for the child may file) a petition to terminate your parental rights and to commit guardianship and custody of your child for the purposes of adoption, even if you were not named as a Respondent in this child abuse or neglect proceeding. In some cases, the petition may be filed before the end of the 15-month period. If the petition is granted, guardianship and custody of the child may be committed and the child may be adopted.

5. [Applicable where child has been removed from his or her home]: Your child has been removed from home and is in the temporary custody of [insert name, address and telephone number of social services official]:

6. 6. If you have visitation rights with your child under a prior court order, judgment, separation agreement or settlement, you may seek to enforce these rights by contacting the above-named social services official or by appearing in Family Court on the date and time indicated on the enclosed summons. You may also file a petition to obtain visitation in accordance with Family Court Act §1081(2).

Dated :

Clerk of Court:

Family Court, County of: