

F.C.A. §§1093, 1097
S.S.L. §§393, 409-h

Form 10-C-1
(Destitute Child
Petition)
(9/2021)

FAMILY COURT OF NEW YORK
COUNTY OF

.....
In the Matter of

(A) Child(ren) under Eighteen Years
of Age Alleged to be Destitute

Docket No.

CIN #
PETITION
(Destitute Child)

Parent(s) or Other Party/Parties
.....

NOTICE TO PARENT(S): IF YOUR CHILD STAYS IN FOSTER CARE FOR 15 OF THE MOST RECENT 22 MONTHS, THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD. IF THE PETITION IS GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges, upon information and belief, that:

1. Petitioner [name]: _____ is [specify job title or position]:
of the [check applicable box]: Department of Social Services of [specify county]:
 New York City Administration for Children’s services.

2. The child(ren) who (is) (are) the subject(s) of this proceeding (is)(are) [specify; if information is unknown, so indicate]:

Name Sex Date of Birth Custodial Parent/Guardian Child’s Address¹

3. a. (Upon information and belief) The father and mother of the child(ren) and

¹ Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the child at risk.

their respective residence addresses or whereabouts are [if parent is deceased, give name and so indicate]:

<u>Child</u>	<u>Name of Parent</u>	<u>Parent's Last Known Address²</u>	<u>Parent's Whereabouts</u>
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b. (Upon information and belief) The caretaker(s) of the child(ren), who have a valid, current court order of temporary or permanent guardianship or custody, (is)(are)[specify]: [if caretaker is deceased, give name and so indicate]:

<u>Child</u>	<u>Name of Caretaker</u>	<u>Caretaker's Last Known Address³</u>	<u>Caretaker's Whereabouts</u>
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4. (Upon information and belief) The child(ren) (is) (are) destitute, as defined in Family Court Act §1092(a), on the following grounds and based upon the following facts [Specify grounds and supporting facts]:

5. The child(ren) became known to the Petitioner as follows [specify date, manner and circumstances]:

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

a. (Upon information and belief) On [specify date]: _____, the following child(ren)[specify]: _____ was/were temporarily placed into care on the basis of the following facts and for the following reasons [specify]:

b. (Upon information and belief) The child(ren) should be temporarily placed into care in accordance with Family Court Act §1094(2) 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]:

7. [Required if temporary placement into care or continuation of care of children is requested]:

a. (Upon information and belief) Continuation in, or return to, the child(ren)'s

² Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the parent at risk.

³ Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the caretaker at risk.

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)]:

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

b. (Upon information and belief) Reasonable efforts, where appropriate, to prevent or eliminate the need for temporary placement of the child(ren) outside of 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 because [specify]:
- were not made.

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

- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

c. [Check applicable box(es):

- (i) Based upon Petitioner's investigation

The following person [specify]:

is a relative suitable person with whom the child(ren) may appropriately reside.

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 has not yet determined whether as a foster parent or custodian.
- There is no relative or suitable person as yet identified with whom the child(ren) may appropriately reside.

OR

(ii) Petitioner has not yet investigated relatives or suitable persons.

8. [REQUIRED if placement in a Qualified Residential Treatment Program (QRTP) is requested; DELETE if inapplicable]:

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

b. The child has been placed recommended for placement in [specify name]: a qualified residential treatment program (QRTP).

c. The needs of the child have been assessed by a Qualified Individual as defined in Social Services Law, Section 409-h (5) and a copy of the Qualified Individual's report 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 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. 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 [REQUIRED; specify name and give notification date]:
- United States Secretary of the Interior [REQUIRED if tribal contact undetermined; give notification date]:

10. [Required if temporary placement into care or continued care of children is requested]:⁴ Petitioner may be required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education and early intervention records) of each child named in this Petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

WHEREFORE, Petitioner requests that an order be issued determining the child(ren) to be destitute and otherwise dealing with the child(ren) in accordance with the provisions of Article 10-C of the Family Court Act.

Dated _____, _____.

 Petitioner

 Print or Type Name

 Signature of Attorney, if any

 Attorney's Name (print or type)

 Attorney's Address and Telephone Number

⁴ This notice is required by the federal *Family Educational Rights and Privacy Act* [20 U.S.C. §1232(g)(b)(2)(B)].

