

FCA §§ 467, 549, 651, 652, 654; DRL §§ 240, 72

Modified General Form 17
(Petition-Custody)
Non-Parent Petitioner
6/2006

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

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In the Matter of a Proceeding for Custody under article
□4 □5 □6 of the Family Court Act¹ or Sections 72 or 240
of the Domestic Relations Law

Petitioner

Family File No.
Docket No.
PETITION FOR CUSTODY

- against -

Respondent

.....
TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. Petitioner, _____, [check applicable box]: resides is located
at [specify address or indicate if ordered to be kept confidential, pursuant to Family Court
Act § 154-b(2) or Domestic Relations Law § 254]:

Petitioner is [specify relationship to child; if foster parent, agency, institution or other
relationship, so state]:

¹Note: If a custody or visitation proceeding is pending or an order of custody or visitation
has been issued by a court outside of the State of New York, the custody/visitation petition for
proceedings under the *Uniform Child Custody Jurisdiction and Enforcement Act*, Form
UCCJEA-1, not this form, should be utilized.

2. Respondent, _____, [check applicable box]: resides is located at [specify address or indicate if ordered to be confidential, pursuant to Family Court Act § 154-b(2) or Domestic Relations Law § 254]:

Respondent is [specify relationship to child; if foster parent, agency, institution or other relationship, so state]:

3. [Delete if inapplicable]: An order was issued by _____ Court, _____ County, State of _____, referring the issue of custody visitation to the Family Court of the State of New York in and for the County of [specify]:

4. The name, present address and date of birth of each child who is the subject of this proceeding are as follows [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act § 154-b(2) or Domestic Relations Law § 254]:

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>
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5. (Upon information and belief) During the last five years each child who is the subject of this proceeding resided at:

<u>Name</u>	<u>Address²</u>	<u>Duration (from/to)</u>
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6. (Upon information and belief) The name and present address of the person(s) with whom each child resided during the past five years are as follows:

<u>Name</u>	<u>Address³</u>	<u>Duration (from/to)</u>
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²Specify address or indicate if ordered to be kept confidential pursuant to Family Court Act § 154-b(2) or Domestic Relations Law § 254.

³Specify address or indicate if ordered to be kept confidential pursuant to Family Court Act § 154-b(2) or Domestic Relations Law § 254.

7. [Check applicable box(es). Delete inapplicable provisions]:
a. The father of the child(ren) who (is)(are) the subject(s) of this proceeding is [specify]:

The father was married to the child(ren)'s mother at the time of the conception or birth.

An order of filiation was made on [specify date and court and attach true copy]:

An acknowledgment of paternity was signed on [specify date]: _____
by [specify who signed and attach a true copy]: _____

The father is deceased.

b. The father of the child(ren) who (is)(are) the subject(s) of this proceeding has not been legally established.

c. A paternity agreement or compromise was approved by the Family Court of _____ County on _____, concerning [name parties to agreement or compromise] And child(ren)]: _____ A true copy of the agreement or compromise is annexed hereto.

8.[Applicable to cases in which mother is not a party]: The name and address of the mother is [indicate if deceased or if address ordered to be kept confidential pursuant to Family Court Act § 154-b(2) or Domestic Relations Law § 254]:

9.[Delete if inapplicable]: Petitioner has participated as a party witness other capacity [specify]: _____ In other litigation concerning the custody of the same children in New York State Other jurisdiction [specify]: _____
If so, specify type of case, capacity of participation, court, location and status of case.

10.A custody or visitation proceeding concerning the same child(ren) is is not pending in New York State. [If pending, give court docket number and status of case]:

11.The custody or visitation of the child(ren) has been determined or agreed upon in the following instruments [specify court, if any, and date and attach true copy of instrument(s)]:

- Custody order of [specify court and location]: _____, dated [specify]: _____
- Stipulation of settlement in [specify court and location]: _____, dated [specify]: _____
- Judgment of Divorce of [specify court and location]: _____, dated [specify]: _____
- Separation Agreement, dated [specify]: _____
- Custody or Guardianship Agreement confirmed by [specify court and location]: _____, dated [specify]: _____

12. Petitioner Respondent obtained custody of the child(ren) on [specify date]: _____, as follows: _____

13. Extraordinary circumstances exist which warrant placing custody of the child(ren) with a non-parent as follows [check all of the boxes which apply and add additional facts, as necessary]:

- The child(ren) has/have been living with the petitioner for twenty-four continuous months during which the parent voluntarily relinquished care and control of the child(ren) to the petitioner.
- The child(ren) is/are in the care of the Department of Social Services as a result of a finding of abuse or neglect. The docket number of the case where these findings were made is _____
- The Child Protective Service of the Department of Social Services has developed a safety plan for the child(ren) which involves placing the child(ren) with the petitioner as an alternative to foster care.
- The Child Protective Service of the Department of Social Services is currently investigating allegations that the child(ren) is/are maltreated.
- The child(ren)'s parent or parents is/are incarcerated. The circumstances of the incarceration are as follows: [for each parent who is incarcerated, explain where the parent is incarcerated, how long they are expected to remain incarcerated, and the charges for which they were incarcerated] _____

The child(ren)'s parent or parents is/are receiving in-patient treatment for mental health or substance abuse problems as follows: [for each parent who is an in-patient, explain where they are receiving treatment, how long they are expected to remain there, and the circumstances leading up to their in-patient treatment] _____

Other extraordinary circumstances: _____

14. There has been a change of circumstances since entry of the order judgment awarding custody visitation in that:

15. An Order of Protection or Temporary Order of Protection was issued [check applicable box(es): against Respondent against me in the following criminal, matrimonial or Family Court proceeding(s) [specify the court, docket or index number, date of order, next court date and status of case, if available]:

The Order of Protection Temporary Order of Protection expired or will expire on [specify date]:

16. Petitioner requests a Temporary Order of Protection pursuant to Family Court Act §655 because [specify]:

17. The subject child(ren) are are not Native-American child(ren) subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

18. No previous application has been made to any court or judge for the relief herein requested, (except [specify; delete if inapplicable]):

WHEREFORE, Petitioner requests an order awarding custody visitation of the child(ren) to the Petitioner and for such other and further relief as the Court may determine.

Dated:

Petitioner

Print or Type Name

Signature of Attorney, if any

Attorney's Name (print or type)

Attorney's Address and
Telephone Number

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

being duly sworn, says that (s)he is the Petitioner in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

Petitioner

Sworn to before me this
day of

(Deputy) Clerk of the Court
Notary Public