

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

.....
In The Matter of a Proceeding for
Custody Visitation under Article 4 5 6
of the Family Court Act¹ or Section 240
of the Domestic Relations Law

Petitioner

Docket No.
PETITION
 CUSTODY
 VISITATION

-against-

Respondent

PETITIONER

(list information about yourself)

RESPONDENT

(list information about other party)

STREET: _____

STREET: _____

CITY/STATE: _____

CITY/STATE: _____

ZIP: _____ COUNTY: _____

ZIP: _____ COUNTY: _____

DOB: _____

DOB: _____

SEX: _____ RACE: _____

SEX: _____ RACE: _____

SS#: _____

SS#: _____

WGT: _____ HGT: _____

WGT: _____ HGT: _____

EYE COLOR: _____ HAIR COLOR: _____

EYE COLOR: _____ HAIR COLOR: _____

TEL: _____

TEL: _____

¹ **Note:** 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 should be utilized instead of this form. If a prior order of custody or visitation had been entered by a Court of this State, the petition for modification or enforcement, General Forms 40 or 41, should be used instead of this form.

EMP: _____

EMP: _____

ATTY: _____

ATTY: _____

TO THE FAMILY COURT:

The Petitioner respectfully alleges upon information and belief that:

1. Petitioner is _____ to child; if foster parent, agency, institution or other relationship, so state]:

2. Respondent is _____ 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. (Upon information and belief) During the last five years, each child who is the subject of this proceeding resided at:

<u>Name of Child</u>	<u>Address Child² Resided at</u>	<u>Duration (from/to)</u>	<u>Name of Person Child Resided With</u>	<u>Current Address of the Person Child Resided With</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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

6. [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.

7. [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]: _____

8. [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.

9. 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]: _____

10. The custody or visitation of the child(ren) has been agreed upon in the following custody, separation or guardianship agreement, dated [specify, and attach copy]: _____

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

12. It would be in the best interests of the child(ren) to have custody visitation awarded to the Petitioner for the following reasons: _____

13. 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]: _____

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

15. 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).

16. 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

VERIFICATION

STATE OF NEW YORK)
)
) :ss:
) COUNTY OF ERIE)

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