

FAMILY COURT OF NEW YORK
COUNTY OF

.....
In the Matter of

Docket No.

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

PETITION
(Neglect)

Respondent(s)

.....

NOTICE: PLACEMENT OF YOUR CHILD IN FOSTER CARE MAY RESULT IN YOUR LOSS OF YOUR RIGHTS TO YOUR CHILD. 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.

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

- 1. Petitioner [specify]: _____ is a [check applicable box]:
 - ? duly authorized agency having its office and place of business at [specify]:
 - ? person directed by the Court to originate this proceeding, who resides at [specify]:

- 2. The child(ren) who (is) (are) the subject(s) of this proceeding (is)(are):

| | | | | |
|-------------|------------|----------------------|----------------------------------|------------------------|
| <u>Name</u> | <u>Sex</u> | <u>Date of Birth</u> | <u>Custodial Parent/Guardian</u> | <u>Child's Address</u> |
|-------------|------------|----------------------|----------------------------------|------------------------|

3. a. (Upon information and belief) The father and mother of the child(ren) and their respective residence addresses are:

| <u>Name of Child(ren)</u> | <u>Name of Parents</u> | <u>Parents' Address</u> |
|---------------------------|------------------------|-------------------------|
|---------------------------|------------------------|-------------------------|

b. (Upon information and belief) The person(s) legally responsible for the care of said child(ren) (is)(are) _____ who reside at _____ New York.)

4. (Upon information and belief) The child(ren) (is) (are) a(n) neglected on the following grounds and based upon the following facts [Specify grounds of child neglect under Family Court Act §1012, as well as supporting facts]:

5. (Upon information and belief) _____ (and) _____, the _____ of said child(ren), (is)(are) the person(s) who (is)(are) responsible for the neglect of said child(ren).

6. [Required if removal has occurred or is requested; check applicable box(es)]:
a. **Q** (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]:
Q a court order pursuant to Family Court Act §1022, issued on [specify]:
Q consent of the following Respondent(s) [specify]:
obtained on [specify]: _____ pursuant to Family Court Act §1021.¹
Q 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. **Q** (Upon information and belief) The child(ren) should be removed from the _____

¹ A copy of the consent instrument must be attached to the petition. See F.C.A. §1021.

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]: _____

7. [Required if removal or continued removal of children is requested]:

a. (Upon information and belief) 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 conclusion is based upon the following information [check applicable box(es)]:

- Report of Suspected Child Abuse or Neglect
- Uniform Case Review, dated [specify]: _____
- Summary of the Uniform 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 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 pursuant to F.C.A. §1039-b 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
- Uniform Case Review, dated [specify]: _____
- Summary of the Uniform Case Record, dated [specify]: _____
- Service Plan, dated [specify]: _____
- The report of [specify]: _____, dated [specify]: _____
- Other [specify]: _____

c. (Upon information and belief) Based upon Petitioner's investigation [Check applicable box(es)]: _____

Q The following person is a suitable person related to the child(ren) with whom such child(ren) may appropriately reside [specify]:

Such person: **Q** seeks approval as a foster parent in order to provide care for the child(ren);
Q wishes to provide care and custody for the child(ren) without foster care subsidy during the pendency of any order herein.

Q There is no suitable person related to the child(ren) 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. The subject child **?** is **?** is not a Native-American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

WHEREFORE, Petitioner requests that an order be issued determining the child(ren) to be neglected and otherwise dealing with the child(ren) in accordance with the provisions of Article 10 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

VERIFICATION

STATE OF NEW YORK)
)ss.:

COUNTY OF _____)

being duly sworn, deposes and says:

That (s)he is and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his)(her own knowledge except as to those matters therein stated to be alleged upon information and belief, and that 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)