

FAMILY COURT OF NEW YORK
COUNTY OF

.....

In the Matter of

Docket No.

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

Respondent(s)

PETITION
 Child Abuse
 Severe Abuse
 Repeated Abuse
[Check applicable box(es)]

.....

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. IF SEVERE OR REPEATED ABUSE IS PROVEN BY CLEAR AND CONVINCING EVIDENCE, THIS FINDING MAY CONSTITUTE THE BASIS TO TERMINATE YOUR PARENTAL RIGHTS.

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):

Name Sex Date of Birth Custodial Parent/Guardian Child's Address

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

Name of Child(ren) Name of Parents Parents' Address

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

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

b. (Upon information and belief) The following Respondent (s) [specify]: _____, the [specify relationship]: _____ of the child(ren), (is)(are) the person(s) who (is)(are) responsible for the abuse of the child(ren).

5. a. (Upon information and belief (s) The child(ren) (is) (are) also 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]:

b. (Upon information and belief) The following Respondent (s) [specify]: _____, the [specify relationship]: _____ of the child(ren), (is)(are) the person(s)

who (is)(are) responsible for the abuse of the child(ren).

6. a. [Applicable in cases in which severe abuse is alleged]: (Upon information and belief) The following Respondent(s) [specify]: _____ committed the following act(s) of severe abuse against the following child(ren) [specify children), act(s), including Penal Law section(s), if applicable, dates, locations and other facts]:

b. [Applicable in cases in which repeated abuse is alleged](Upon information and belief) The following Respondent(s)[specify]: _____ committed the following act(s) of repeated abuse against the following child(ren) [specify child(ren), acts, including Penal Law section(s), if applicable, dates, locations, prior findings of child abuse and other facts]:

7. [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]: _____ (was)(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 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]:

8. [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]:

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

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 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 of other reasons [specify]:

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)]:

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

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.

Q There is no suitable person related to the child(ren) with whom the child(ren) may appropriately reside.

d. [Required]: (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]:

9. The child Q is Q is not a Native-American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

The ? District Attorney of County ? Corporation Counsel of the City New York is a party hereto pursuant to section 254(b) of the Family Court Act.

WHEREFORE, Petitioner requests that an order be made [check applicable box(es)]:

? A. determining the following child(ren)[specify]: to be abused by a preponderance of the evidence; and otherwise dealing with said child(ren) in accordance with the provisions of Article 10 of the Family Court Act;

? B. determining the following child(ren)[specify]: to be ? severely ? repeatedly abused by clear and convincing evidence; and otherwise dealing with said child(ren) in accordance with the provisions of Article 10 of the Family Court Act;

? C. determining the following child(ren)[specify]: to be neglected by a preponderance of the evidence; and otherwise dealing with said child(ren) in accordance with the provisions of Article 10 of the Family Court Act;

? D. granting such other and further relief as the Court may deem just and proper.

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)