

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....  
In The Matter of a Proceeding for  
Custody Visitation under Article 4 5 6  
of the Family Court Act<sup>1</sup> or Section 240  
of the Domestic Relations Law

Petitioner

Docket No.  
PETITION  
 CUSTODY  
 VISITATION

-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]:

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]:

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<sup>1</sup> 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, not this form,  
should be utilized.

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>                    Address<sup>2</sup>                    </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>                    Address<sup>3</sup>                    </u>	<u>                    Duration (from/to)                    </u>
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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 \_\_\_\_\_

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

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

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

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

VERIFICATION

STATE OF NEW YORK )

COUNTY OF ) :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