

FAMILY COURT
INSTRUCTIONS AND FORMS FOR A MOTION FOR WAIVER OF COSTS, FEES AND EXPENSES,

ASSIGNMENT OF COUNSEL AND A FREE COPY OF THE TRANSCRIPT

1. Papers to be filed with the Court (one copy of each)
 - Notice of Motion
 - Affirmation in Support of Motion
 - Copy of the Notice of Appeal
 - Copy of the Order or Judgment Appealed From
 - Affirmation of Service

2. The motion is returnable only on Mondays.

3. Service: 8 days' notice is required for personal service;
13 days' notice is required for service by mail.
The day of service is not counted.
For example: If you personally serve your papers on your adversary on May 1st, the earliest date you can make your motion returnable is May 9th.

4. The Legal Aid Society Juvenile Rights Division as well as the agency's attorney should be served with a copy of the motion.

5. The order/judgment appealed from may be obtained from your lawyer or the Family Court.

**SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT**

_____X

In Re: _____
Name of Child(ren)

Agency (If known): _____
Petitioner/ _____

-against-

Your Name: _____
Respondent/ _____

_____X

NOTICE OF MOTION FOR
WAIVER OF COSTS, FEES AND
EXPENSES AND ASSIGNMENT
OF COUNSEL
DOCKET NO. _____

PLEASE TAKE NOTICE that upon the annexed affirmation of _____, dated the _____ day of _____, 20____, the undersigned will move this Court at a term thereof to be held at the Appellate Division Courthouse located at 25th Street and Madison Avenue, New York, N.Y., 10010, on the ____ day of _____, 20____, at 10:00 a.m., for an order pursuant to CPLR 1101 and 1102 granting appellant a waiver of costs, fees and expenses on appeal and leave to prosecute the appeal on the original record and typewritten briefs, for the assignment of counsel, for a free copy of the transcript, for an exemption from the fee required to subpoena said record to this Court, and for such other relief as may be just.

Dated: _____

Your name, address and phone no.

TO: (Agency Attorney)

Name, address and phone number

TO: Attorney for Children (if applicable)

Name, address and phone no.

**SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT**

_____ X

In Re: _____ :
 Name of Child(ren)

Agency (if known) _____ :
 Petitioner/ _____ :
 -against-

Your Name: _____ :
 Respondent/ _____ :

_____ X

**AFFIRMATION IN SUPPORT OF
MOTION FOR WAIVER OF
COSTS, FEES AND EXPENSES
AND ASSIGNMENT OF
COUNSEL**
DOCKET NO. _____

I, _____, hereby affirm under the penalties of perjury that:

1. I am the appellant in this action and make this affirmation in support of my motion for a waiver of costs, fees and expenses, and assignment of counsel.

2. I reside at : _____

3. This action was brought by petitioner(s) against the respondent(s) for [specify the nature of the Family Court proceeding]:

6. I am unable to pay the costs, fees and expenses necessary to prosecute this appeal.
7. Attached hereto is a copy of the Notice of Appeal and a copy of the order/ judgement appealed from.
8. No previous application for the same or similar relief has been made.

WHEREFORE, I respectfully ask that an order of this Court be issued waiving costs, fees and expenses, appointing counsel on appeal, and such other and further relief as may be just and equitable.

I affirm this _____ day of _____, 20____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand this document may be filed in an action or proceeding in a court of law.

x _____ x
Respondent -Appellant

AFFIRMATION OF SERVICE BY MAIL

I, _____, affirm under the penalties of perjury that, I am not a party to the action, I am over 18 years of age and I reside at:

_____.

On _____, 20_____, I served the within Notice of Motion and affirmation upon:

(Opposing Party)

Attorney for Children

by depositing true copies of same enclosed in postpaid properly addressed wrappers in a post office official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

I affirm this _____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(Signature)

Abbott House

Magovern & Sclafani
111 John Street, Suite 2509
New York, NY 10038
212-962-1450

Angel Guardian Home

Warren & Warren, P.C.
189 Montague Street
Brooklyn, NY 11201
718-875-9264

Association to Benefit Children

Rosin & Reineger
630 Third Avenue
New York, NY 10017
212-972-5430

Cardinal McCloskey Services

David Berman, Esq.
540 West Boston Post Road, PBM 154
Mamaroneck, NY 10543

Catholic Child Care Society

Jeremiah Quinlan, Esq.
36 Main Street
Hastings-on-Hudson, NY 10706

Catholic Guardian Society

Ana D. Torres, Esq.
1990 Westchester Avenue, 2nd Floor
Bronx, NY 10022
718-818-0300

Catholic Home Bureau for
Dependant Children

Magovern & Sclafani
111 John Street, Suite 2509
New York, NY 10038
212-962-1450

Children's Aid Society

Rosin & Reineger
630 Third Avenue
New York, NY 10017
212-972-5430

Edwin Gould Services for Children

Michael A. Neff, Esq.
36 West 44th Street,
Suite 1212
New York, NY 10036
212-921-2855

Episcopal Social Services, Inc.

Magovern & Sclafani
111 John Street, Suite 2509 New
York, NY 10038
212-962-1450

Family Support Systems

John R. Eyerman, Esq.
36 West 44th Street, Suite 1212
New York, NY 10036
212-921-0069

Forestdale, Inc.

Michael A. Neff, Esq.
36 West 44th Street, Suite 1212
New York, NY 10036
212-921-2855

Graham Windham Services
for Children

James M. Abramson, Esq.
12 East 41st Street, Suite 1401
York, NY 10017
212-683-7050

Jewish Child Care Association

James M. Abramson, Esq.
12 East 41st Street, Suite 1401
New York, NY 10017
212-683-7050

Lakeside Family & Children's Services

Cynthia W. Rountree, Esq.
18 West 130th Street
New York, NY 10037

Leake & Watts

Rosin & Reineger
630 Third Avenue
New York, NY 10017
212-972-5430

Little Flower Children's Service

Carrieri & Carrieri
200 Old Country Road, Suite 320
Mineola, NY 11501
516-248-1188

Louis Wise Services

Rosin & Reiniger
630 Third Avenue
New York, NY 10017
212-972-5430

Lutheran Social Services

Satterlee Stephens Burke &
Burke
230 Park Avenue
New York, NY 10169
212-818-9200

McMahon Services

Joseph T. Gatti, Esq.
150 East 37th Street
New York, NY 10016

New Alternatives

James M. Abramson, Esq.
12 East 41st Street, Suite 1401
New York, NY 10017
212-683-7050

New York Foundling Hospital

David Berman, Esq.
540 West Boston Post Road,
PBM 154
Mamaroneck, NY 10543

Pius XII Youth

Michael A. Neff, Esq.
36 West 44th Street, Suite 1212
New York, NY 10038
212-921-2855

Sheltering Arms

Magovern & Sclafani
111 John Street, Suite 2509
New York, NY 10038
212-962-1450

Society for Children & Families

Michael A. Neff, Esq.
36 West 44th Street, Suite 1212
New York, NY 10036
212-921-2855

St. Christopher's Inc.

Carrieri & Carrieri
200 Old Country Road, Suite 320
Mineola, NY 11501
516-248-1188

St. Christopher-Ottillie

Carrieri & Carrieri
200 Old Country Road, Suite 320
Mineola, NY 11501
516-248-1188

St. Dominic's Home

Warren & Warren, P.C.
189 Montague Street
Brooklyn, NY 11201
718-875-9264

St. Joseph's Services for Children

Michael A. Neff, Esq.
36 West 44th Street, Suite 1212
New York, NY 10036
212-921-2855

St. Vincent's Services, Inc.

Magovern & Sclafani
111 John Street, Suite 2509
New York, NY 10038
212-962-1450

Talbot Perkins Children

James M. Abramson, Esq.
12 East 41st Street, Suite 1401
New York, NY 10017
212-683-7050