

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of

Docket No.

CIN #:

A Child under Eighteen Years of
Age alleged to be
 Abused Neglected by

AFFIDAVIT IN SUPPORT
OF MOTION FOR ORDER
OF VIOLATION OF
ORDER OF
DISPOSITION

Respondent(s)

.....

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

, [check if applicable]: an attorney duly admitted to practice law
in the State of New York, swears affirms the following to be true under the penalties of
perjury:

1. I am [state title/position]: _____, the Petitioner in the above-
entitled action. I am making this affidavit in support of the motion for an Order regarding a
violation of the Order of Disposition in the above-entitled case.

2. On [specify date]: _____, the above-named child(ren) (was)(were)
adjudicated to be [check applicable box(es)]: neglected abused severely abused
 repeatedly abused within the meaning of Article 10 of the Family Court Act.

3. An Order of Disposition was issued by this Court, dated [specify]: _____
requiring the following Respondent(s) [specify]: _____ to comply with the terms and
conditions of an Order of [check applicable box(es)]:
 Suspended Judgment Protection Supervision Placement.

4. Under the terms of the Order, the following terms and conditions were imposed upon

[specify Respondent(s)]: _____, the parent(s)
 person(s) legally responsible for the care of the child(ren) [specify]: _____

5. (Upon information and belief) The following Respondent(s) [specify]: _____ willfully and without just cause, violated the terms and provisions of the Order in that [specify provision(s) of order violated and nature of violation]: _____

6. [Required if removal has occurred or is requested; check applicable box(es)]:
a. (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]:
 a court order pursuant to Family Court Act §1027, issued on [specify]: _____
 consent of the following Respondent(s) [specify]: _____ obtained on [specify date]: _____ pursuant to Family Court Act §1021.
 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. (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]: _____

c. The Order of Disposition should be modified as follows [specify, including whether placement of child(ren) is requested]: _____ in the child's best interests in accordance with Family Court Act §1052 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. 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 assertion is based upon the following information [check applicable box(es)]:

- Report of Suspected Child Abuse or Neglect
- Case Record, dated [specify]: _____
- Service Plan, dated [specify]: _____
- The report of [specify]: _____, dated [specify]: _____
- Other [specify]: _____

b. 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 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
- Case Record, dated [specify]:
- Service Plan, dated [specify]:
- The report of [specify]: , dated [specify]:
- Other [specify]:

c. Based upon Petitioner's investigation [Check applicable box(es):

- The following person [specify]:
- is a non-respondent parent relative suitable person
with whom the child(ren) may appropriately reside [specify]:

[Applicable to relatives and other suitable persons]: 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.
- may be a resource but not yet determined whether as foster parent or custodian.

(Upon information and belief) There is no non-respondent parent, relative or suitable person 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, who is subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963). If so, the following have been notified [check applicable box(es)]: parent/custodian [specify name and give notification date]: tribe/nation [specify name and give notification date]:

United States Secretary of the Interior [give notification date]:

9. No previous application has been made to any court or judge for the relief herein requested (except [specify]:

WHEREFORE, I respectfully request that the Order of [check applicable box(es)]:
 Suspended Judgment Protection Supervision Placement be revoked and that the Court make such other disposition under Article 10 of the Family Court Act as it may deem proper.

Dated _____, _____.

Affiant

Print or Type Name

Sworn to before me this _____ day of _____,

(Deputy) Clerk of the Court
Notary Public

Signature of Attorney, if any

Attorney's Name (print or type)

Attorney's Address and Telephone Number