

FAMILY COURT OF NEW YORK  
COUNTY OF

.....  
In the Matter of

Docket No.

CIN #  
(A) Child(ren) under Eighteen Years  
of Age Alleged to be Destitute

PETITION  
(Destitute Child)

Parent(s) or Other Party/Parties  
.....

**NOTICE TO PARENT(S): 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 THE PETITION IS GRANTED, YOU MAY LOSE YOUR RIGHTS TO YOUR CHILD AND YOUR CHILD MAY BE ADOPTED WITHOUT YOUR CONSENT.**

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges, upon information and belief, that:

1. Petitioner [name]: \_\_\_\_\_ is [specify job title or position]:  
of the [check applicable box]:  Department of Social Services of [specify county]:  
 New York City Administration for Children's services.

2. The child(ren) who (is) (are) the subject(s) of this proceeding (is)(are) [specify; if information is unknown, so indicate]:

Name      Sex      Date of Birth      Custodial Parent/Guardian      Child's Address<sup>1</sup>

3. a. (Upon information and belief) The father and mother of the child(ren) and their respective residence addresses or whereabouts are [if parent is deceased, give name and so indicate]:

\_\_\_\_\_

<sup>1</sup> Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the child at risk.

Child                      Name of Parent                      Parent's Last Known Address<sup>2</sup>                      Parent's Whereabouts

b. (Upon information and belief) The caretaker(s) of the child(ren), who have a valid, current court order of temporary or permanent guardianship or custody, (is)(are)[specify]: [if caretaker is deceased, give name and so indicate]:

Child                      Name of Caretaker                      Caretaker's Last Known Address<sup>3</sup>                      Caretaker's Whereabouts

4. (Upon information and belief) The child(ren) (is) (are) destitute, as defined in Family Court Act §1092(a), on the following grounds and based upon the following facts [Specify grounds and supporting facts]:

5. The child(ren) became known to the Petitioner as follows [specify date, manner and circumstances]:

6. [Required if temporary placement has occurred or is requested; check applicable box(es)]:

a.  (Upon information and belief) On [specify date]: , the following child(ren)[specify]: was/were temporarily placed into care on the basis of the following facts and for the following reasons [specify]:

b.  (Upon information and belief) The child(ren) should be temporarily placed into care in accordance with Family Court Act §1094(2) 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 temporary placement into care or continuation of care 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 assertion is based upon the following information [check applicable box(es)]:

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

<sup>2</sup> Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the parent at risk.

<sup>3</sup> Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the caretaker at risk.

Other [specify]:

b. (Upon information and belief) Reasonable efforts, where appropriate, to prevent or eliminate the need for temporary placement of the child(ren) outside of 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 because [specify]:

were not made.

This assertion is based upon the following information [check applicable box(es)]:

Case Record, dated [specify]:

Service Plan, dated [specify]:

The report of [specify]: , dated [specify]:

Other [specify]:

c. [Check applicable box(es):

(i) Based upon Petitioner's investigation

The following person [specify]:

is a  relative  suitable person with whom the child(ren) may appropriately reside.

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 has not yet determined whether as a foster parent or custodian.

There is no relative or suitable person as yet identified with whom the child(ren) may appropriately reside.

**OR**

(ii) Petitioner has not yet investigated relatives or suitable persons.

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 [REQUIRED; specify name and give notification date]:

United States Secretary of the Interior [REQUIRED if tribal contact undetermined; give notification date]:

9. [Required if temporary placement into care or continued care of children is requested]:<sup>4</sup>

Petitioner may be required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education and early intervention records) of each child named in this Petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

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<sup>4</sup> This notice is required by the federal *Family Educational Rights and Privacy Act* [20 U.S.C. §1232(g)(b)(2)(B)].

WHEREFORE, Petitioner requests that an order be issued determining the child(ren) to be destitute and otherwise dealing with the child(ren) in accordance with the provisions of Article 10-C 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 them to be true.

\_\_\_\_\_  
Petitioner

Sworn to before me this  
day of

\_\_\_\_\_  
(Deputy) (Clerk of the Court)  
(Notary Public)