

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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In the Matter of a Proceeding under
Article of the Family Court Act
Section of the Social Services Law
Section Domestic Relations Law

Docket No.

Petitioner,

-against-

Respondent

Petition
For Writ of
Habeas Corpus

.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. Petitioner resides has offices at [specify address]: and is the
[specify relationship]: of the following child(ren), who (is)(are) the subject(s) of
this application:

Name of Child

Date of Birth

2. Respondent resides has offices at [specify address]:
, and is the [specify relationship]: of the child(ren).

3. [Check box(es) if either or both parties are in or recently returned from active military service]:¹

Petitioner is on active duty, deployed or temporarily assigned to military service as follows [specify type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

Petitioner returned from active duty, deployment or temporarily assignment to military service as follows [specify date of return, type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

¹ Inapplicable if the party is based at a permanent duty station or had a permanent reassignment of station.

Respondent is on active duty, deployed or temporarily assigned to military service as follows [specify type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

Respondent returned from active duty, deployment or temporarily assignment to military service as follows [specify date of return, type of service, military branch or National Guard unit, anticipated dates and location of duty and how duty is likely to affect custody or visitation, if at all]:

4. (Upon information and belief,) [check applicable box(es)]:

(T)(t)he above child(ren) (is)(are) in the custody of the Respondent and (has)(have) been since [specify date]:

Respondent wrongfully and unlawfully removed withheld the child(ren) from the custody of the Petitioner in that [specify]:

Respondent wrongfully prevented or interfered with Petitioner's visitation rights with the child(ren) in that [specify]:

5. Petitioner has requested the return of the child(ren) from Respondent and Respondent has failed and refused to return the child(ren) to the custody of the Petitioner. [Delete if inapplicable].

6. [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 County on , concerning [name parties to agreement or compromise and child(ren)]:

A true copy of the agreement or compromise is annexed hereto.

7. [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]:

8. During the last five years, each child who is the subject of this proceeding resided at: [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or

Domestic Relations Law §254]:

Name Address Duration (from/to)

9. The name and present address of the person(s) with whom each child resided during the past five years 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]:

Name Address Duration (from/to)

10. Petitioner has has not participated as a party witness other [specify]:
in other litigation concerning the custody of the same child(ren) in New York State Other State or
other jurisdiction [specify]: . If so, specify type of case,
capacity of participation, court, location and status of case:

11. [Check applicable box]:

The following person(s) not party to these proceedings have claimed physical custody
or visitation rights to the child(ren) as follows:

I know of no person(s) not a party to the proceedings who claim(s) to have custody or
visitation rights with respect to the child(ren) affected by this proceeding.

12. 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]:

13. 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
- Stipulation
- Judgment of Divorce
- Separation Agreement
- Custody or Guardianship Agreement [confirmed by _____ court]

14. [Check applicable box]: Petitioner Respondent obtained custody of the child(ren) on [specify
date]: , as follows:

15. a. The child(ren) are are not the subject(s) of any order, mandate, judgment or decree of
any court of competent jurisdiction, nor has any appeal been taken from any such order, mandate,
judgment or decree, [delete if inapplicable]: (except [specify, including court, county, date, docket or

index number and status]:

b. No court or judge of the United States has exclusive jurisdiction to order the child(ren) released.

16. An Order of Protection of 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]:

17. [Check applicable box]:

The custody of the child(ren) should be returned to the Petitioner for the following reasons
[specify]:

Visitation rights should be granted to Petitioner for the following reasons [specify]:

18. 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).

WHEREFORE, Petitioner requests that a Writ of Habeas Corpus be directed to the Respondent(s),
commanding the Respondent(s) to produce the child(ren) in this Court, in order that (s)he may be given
the _____ custody _____ visitation rights to the child(ren).

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, says that (he)(she) (they) (is)(are) the
Petitioner(s) in the above-named proceeding and that the foregoing petition is true to (his)(her)(their) own
knowledge, except as to matters therein stated to be alleged on information and belief, and as to those
matters (he)(she)(they) believe(s) it to be true.

Petitioner(s)

Subscribed and sworn to before me
this day of

(Deputy) Clerk of the Court
Notary Public