

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding [specify]
under [specify statute]:

Docket No.

Child's Name:
Date of Birth:

PETITION
FOR TRANSFER OF
PROCEEDING CONCERNING
AN INDIAN CHILD

.....
TO THE FAMILY COURT

The undersigned Petitioner respectfully alleges upon information and belief that:

1. The child, [specify]: _____, is an Indian child, as defined in subdivision 36 of section 2 of the Social Services Law, and is the subject of the above-entitled proceeding for:
 foster care placement child abuse or neglect person in need of supervision
 termination of parental rights destitute child surrender
 adoption custody to a non-parent

2. a. I am the [check applicable box]: father mother Indian custodian of the child
 Chief of the [specify tribe or nation]:
 Other representative of the tribe or nation [specify title and tribe or nation]:
 Commissioner of Social Services of the County of [specify]:
 Commissioner of the New York City Administration for Children's Services

b. I reside at [specify address]:¹
_____, which is is not located within the tribal reservation or tribal lands .

3. The child is: a member eligible to be a member a child of a member² of the following tribe or nation [specify]: _____, a tribe or nation recognized by the
 Bureau of Indian Affairs, US Dept. of Interior State of New York Other state [specify]:

4. [Check applicable box(es)]:
a. The tribe or nation has exclusive jurisdiction over this proceeding because the child is:
 a Native-American child who is domiciled or residing within the tribal reservation or tribal lands

¹ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act §154-b; Form 21 (available at www.nycourts.gov). If Petitioner is the Commissioner, indicate agency address.

² The parent member includes: birth mother, father married to birth mother at time of the birth or father who signed an acknowledgment of paternity or obtained an order of filiation and Native-American adoptive parent of a Native-American child. See 25 U.S.C. §1903(9).

a Native-American child who is a ward of the court of a tribe or nation.

b. The child is NOT:

a Native-American child who is domiciled or residing within the tribal reservation or tribal lands

a Native-American child who is a ward of the court of a tribe or nation.

5. [Check applicable box]: Upon information and belief:

The tribe or nation consents to the transfer of this proceeding.

The tribe or nation does not consent to the transfer of this proceeding.

The tribe or nation is not taking a position regarding the transfer of this proceeding.

I do not know whether the tribe or nation will consent to the transfer of this proceeding.

WHEREFORE, Petitioner requests the transfer of the proceeding to the jurisdiction of the Indian tribe or nation 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)

)SS.:

COUNTY OF)

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