

F.C.A. §§1055, 1055-c, 1071, 1072
S.S.L. §§393, 409-h

Form 10-13a
(Child Protective-
Affirmation in Support of
Motion for an Order of
Violation of Order of
Disposition)
(1/2026)

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

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

Respondent(s)
.....

....., [check if applicable]: an attorney duly admitted to practice law
in the State of New York, 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 affirmation 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. [REQUIRED if placement in Qualified Residential Treatment Program is requested]:

a. The permanency plan for the child is [specify]: _____ .
This plan has has not changed since the most recent dispositional or permanency hearing.

b. The needs of the child require a higher level of care than can be provided by a foster or therapeutic foster home because [specify]: _____

c. The child has been placed recommended for placement in [specify name]: _____ a Qualified Residential Treatment Program (QRTP).

d. [REQUIRED for request for approval of initial QRTP placement; delete if inapplicable]: The needs of the child have been assessed by a Qualified Individual as defined in Social Services Law §409-h (5) and a copy of the Qualified Individual's report [check applicable box]:

has been submitted separately

is submitted herewith

will be submitted within five days of completion but not less than (10) days prior to the date of the first-scheduled hearing on this motion.

e. The following circumstances exist that necessitate the continued placement of the child in the QRTP [specify]:

f. There is no alternative setting available that can meet the child's needs in a less restrictive environment because [specify]:

g. Continued placement in the QRTP is in the child's best interests because [specify]:

9. **[REQUIRED: check A and applicable boxes, or B or C]:**

A. I know or have reason to believe that the child who is the subject of this proceeding may be a Native-American child, who may be subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§ 1901-1963), subject to the ultimate determination by the tribe or nation. The following is the basis for my information and belief [specify]:

And 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]:

OR

B. I know or have reason to believe that the child who is the subject of this proceeding may not be a Native-American child, who may be subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963), subject to the ultimate determination by the tribe or nation. The following is the basis for my information and belief [specify]:

OR

C. I have not yet obtained information indicating whether the child who is the subject of this proceeding may be a Native-American child, who may be subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963), subject to the ultimate determination by the tribe or nation, because [specify]:

10. 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.'

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 above statements are true, except as to those matters stated to be alleged on information and belief and as to those matters, I believe them to be true. I understand that this document may be filed in an action or proceeding in a court of law.

Dated _____, _____ .

Affirmant

Print or Type Name of Affirmant

Signature of Attorney, if any

Attorney's Name (print or type)

Attorney's Address and Telephone Number