

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of the Application for
Approval of an Instrument Concerning

Docket No.

PETITION FOR
PRE-PLACEMENT APPROVAL OF
STANDBY PLACEMENT
INSTRUMENT

CIN #

Pursuant to Section 358-A of the
Social Services Law

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**NOTICE: PLACING YOUR CHILD IN FOSTER CARE MAY RESULT IN
LOSS OF YOUR RIGHTS TO YOUR CHILD. 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.**

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. The Petitioner is authorized to file this petition in that (s)he is an official of the
Department of Social Services for _____ County and has (his)(her) office
and place of business at _____

2 (a). The above-named child is a (female)(male), born on _____ .

(b). The names and addresses of the birth parents or legal guardians of said child are as follows:

Name _____ Address _____

3. **[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 is not 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 is 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]:

(d) The child resides with [specify]: _____, the [specify relationship] _____ of the child, at [specify address]: _____.

4. (a) Petitioner has determined that the child is at significant risk of foster care placement during the next 18 months because the (parent)(legal guardian) is suffering from a progressively chronic or irreversibly fatal illness and has no relative or close friend available to designate as a standby guardian.

(b) A written instrument, pursuant to Social Services Law §384-a, was executed by [specify]: _____, the (parent) (legal guardian) of the child, requesting that the child be transferred to the care and custody of [specify authorized agency]:

(to reside with [specify prospective foster parent; delete if inapplicable]: _____) at such time as the (parent)(legal guardian) dies or becomes debilitated or incapacitated.

(c) [Applicable where specific prospective foster parent has been identified in instrument; check applicable box]:

The prospective foster parent was found qualified and was certified as a foster parent on [specify date]: _____.

The prospective foster parent has not yet been found qualified and has not yet been certified as a foster parent. The investigation and certification process will be completed by [specify date]: _____, at which time a report on the outcome will be furnished to all parties, including the law guardian, and to the Court.

5. [Applicable where transfer made pursuant to Section 384-a of the Social Services Law] Pursuant to the attached instrument, _____ (has) (have) consented to the jurisdiction of the Family Court over this proceeding and (has)(have) waived service of the petition and notice of this proceeding.

6. The names and last-known addresses of the child's parents and all other persons required to be given notice of this proceeding pursuant to Sections 358-a and 384-c of the Social Services Law are:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
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and there are no persons other than those set forth who are entitled to notice.

7. No previous application has been made to any court or judge for the relief requested herein, (except .)

WHEREFORE, Petitioner requests:

A. That process be served on those entitled thereto in accordance with Section 358-a or 384-c of the Social Services Law; and

B. That the Court enter an order granting the petition approving the annexed instrument and approving the transfer of custody and (guardianship)(care) to the Social Services official of County, such transfer to take effect when the (parent)(legal guardian) dies, becomes debilitated or incapacitated and a petition pursuant to Section 358-a of the Social Services Law is granted;

C. That the Court grant such other and further relief as the Court may deem just and proper.

Dated:

Petitioner

Print or type name and title

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address, Telephone #

VERIFICATION

I am the Petitioner in the above-entitled proceeding and 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 to my own knowledge, 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.

Signature of Petitioner

Petitioner: Print or type name