

F.C.A. §§ 652
D.R.L. §240

General Form GF-40a

(Order on Petition for Modification of Order of
Custody or Visitation Made by Family Court or
Supreme Court)¹
(1/2026)

At a term of the Family Court of the State of New York
held in and for the County of _____, at
New York, on _____,

PRESENT:
Hon.
Judge

.....
In the Matter of a Proceeding for
 Custody Visitation under
 Article 6 of the Family Court Act
 Section 240 of the Domestic Relations Law

Docket No.

FINAL ORDER
 TEMPORARY ORDER
ON PETITION FOR
MODIFICATION OF ORDER OF
 CUSTODY VISITATION
MADE BY FAMILY COURT
 SUPREME

Petitioner,

-against-

COURT

Respondent

.....
NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN
INCARCERATION FOR CRIMINAL CONTEMPT.

The above-named Petitioner having filed a petition in this Court seeking to modify a
 judgment order, dated _____, _____, granting custody visitation, made by the
 Supreme Court of the State of New York, _____ County, Index No.
 Family Court of the State of New York, _____ County, Docket No.

And the name(s) and date(s) of birth of the child(ren) involved are:

NAME DATE OF BIRTH

And the Respondent having: appeared with counsel without counsel
 not appeared not appeared, but counsel appeared;

¹ If the order was entered by a Court outside New York State or by a tribal court, use Form *UCCJEA-10*.

[Applicable where Order had been made by Supreme Court]: And the Court having found that under the terms of the judgment order of the Supreme Court, the Supreme Court has not retained exclusive jurisdiction to modify the judgment order; and

[Check applicable box(es)]:

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court's warrant and child protective records, and having notified the attorneys for the parties and for the child [check if applicable]: Q and the following self-represented party or parties [specify]: _____ of the results of these searches;

And the Court having considered and relied upon the following results of these searches in making this decision [specify; if no results found, so indicate]:

[Applicable to TEMPORARY orders only]: Q And the Court, having dispensed with the search of the statewide registry of orders of protection, the sex offender registry and the Family Court's warrant and child protective records because these databases had been reviewed within the past 90 days;

[Required in ALL cases in which at least one party is not a parent of the child; check applicable boxes and attach General Form GF-32, if applicable]:

And the Court having inquired as to whether the child 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 Court has determined the following:

A. the Court has reason to believe that the child 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;

And the following having been duly notified [check applicable box(es)]:

parent/custodian tribe/nation [REQUIRED]

United States Secretary of the Interior [REQUIRED if tribal contact undetermined];

And the tribe/nation having: appeared and participated as a party;

appeared and declined to assume jurisdiction;

appeared and requested transfer of jurisdiction, which was granted denied;

not appeared;

And the required findings of fact and conclusions of law having been made pursuant to the *Indian Child Welfare Act* and **General Form GF-32** having been attached in an Addendum to this Order.

OR

B. the Court does not have reason to believe that the child may be subject to the *Indian Child Welfare Act of 1978* [25 U.S.C. 1901-1963].

[Applicable where a party had made an allegation of domestic violence or child abuse; findings must be stated on the record, included in a written decision OR included in this order; check applicable box]:

And the Court having explained its findings on alleged domestic violence or child abuse on the record;

And the Court having issued a written decision containing its findings on alleged domestic violence or child abuse;

And the Court having found that the allegation that [specify party]:
had committed domestic violence or child abuse against [specify party or child(ren)]:

was was not proven by a preponderance of the evidence, and having considered the effect of such domestic violence or child abuse upon the best interests of the child(ren) and relevant facts and circumstances as follows in making this order [specify how findings, facts and circumstances were factored into this Order]:

And the matter having duly come on to be heard before this Court;

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, this Court finds and determines that:

Since the entry of the judgment order sought to be modified, there [check applicable box]: has been the following change of circumstances [specify; if party returned from active military service, so indicate]:

has not been a change of circumstances.

[Applicable to cases where Petitioner is a relative or other non-parent and where hearing on modification petition was consolidated with child protective dispositional or permanency hearing, pursuant to F.C.A. §§1055-b or 1089-a; delete if inapplicable]:

Termination of the order placing or remanding the child(ren) pursuant to Article 10 or 10-A of the Family Court Act will will not jeopardize the child(ren)'s safety and is is not in the best interests of the child(ren).

The child(ren)'s birth mother has has not consented to the award of custody to the Petitioner. If not, the following extraordinary circumstances support Petitioner's standing to seek custody of the child(ren) [specify]:

The child's legally-established birth father has has not consented to the award of custody to the Petitioner. If not, the following extraordinary circumstances support Petitioner's standing to seek custody of the child(ren) [specify]:

The child has been living with the following foster parent(s)[specify]:
for a period in excess of one year, who G has/have G has/have not consented to the award of custody to the Petitioner.

The local department of social services, the petitioner in the related child abuse or neglect permanency proceeding has has not consented to the award of custody to the Petitioner.

The attorney for the child(ren) [specify]: _____ in the related child abuse or neglect permanency proceeding has has not consented to the award of custody to the Petitioner.

And this Court further finds and determines that [specify]:

NOW, therefore, it is hereby

ORDERED that the petition for modification is denied and the petition is DISMISSED.

ORDERED that the petition for modification is GRANTED and the judgment order, dated _____, is modified as follows [specify]:

_____ ; and it is further

[Applicable to cases involving a party or parties in the military; delete if inapplicable]:

ORDERED that, since Petitioner Respondent is on active duty, deployed or temporarily assigned to military service and since such service affects such party's ability to act as a joint or primary custodian of the child(ren), the return of such party from such active duty shall constitute a substantial change of circumstances sufficient to entitle such party to a review of this Order for possible modification if in the child(ren)'s best interests, unless the parties and child(ren)'s attorney have otherwise stipulated or agreed; and it is further

ORDERED that during the period of active military service, deployment or temporary assignment, the party on such duty shall be permitted the following contact and visitation with the child [specify, including electronic communication and visitation during military leaves]:

_____ ; and it is further

[Applicable to cases where hearing on modification petition was consolidated with child protective dispositional or permanency hearing, pursuant to F.C.A. §§1055-b or 1089-a; delete if inapplicable]:

ORDERED that the following local department of social services [specify]: _____ and the following attorney for the child(ren)[specify]: _____ shall be notified and shall be made parties to any subsequent proceedings for modification, enforcement or termination of the Order; and it is further

[Applicable to temporary orders]: This Order shall expire [check applicable box]:

on the following date [specify]: _____ upon issuance of a further or final order in this case.

AND IT IS FURTHER ORDERED that

ENTER

Dated:

Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OR ELECTRONIC TRANSMISSION OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

Order mailed or electronically transmitted on [specify date(s) and to whom sent]:

 Order received in court on [specify date(s) and to whom given]: _____