

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....  
In The Matter of a Proceeding to  
Enforce a  Custody  Visitation Order  
under the *Uniform Child Custody Jurisdiction  
and Enforcement Act*

Docket No.

Petitioner

PETITION TO ENFORCE  
 CUSTODY  VISITATION  
ORDER – UCCJEA

-against-

Respondent

.....

**WARNING: THE PURPOSE OF THE HEARING REQUESTED IN THIS  
PETITION IS TO PUNISH [Specify name]:  
FOR CONTEMPT OF COURT, WHICH MAY INCLUDE SANCTIONS  
OF A FINE OR IMPRISONMENT OR BOTH. YOUR FAILURE TO  
APPEAR IN COURT OR TO MAKE ARRANGEMENTS TO TESTIFY BY  
TELEPHONE OR OTHER ELECTRONIC MEANS, PURSUANT TO DOMESTIC  
RELATIONS LAW §75-j, MAY RESULT IN YOUR IMMEDIATE ARREST  
AND IMPRISONMENT FOR CONTEMPT OF COURT.**

TO THE FAMILY COURT:

The Petitioner respectfully alleges upon information and belief that:

1. Petitioner, \_\_\_\_\_, [check applicable box]:  resides  is located at [specify address  
or indicate if ordered to be kept confidential]: <sup>1</sup>  
Petitioner is [specify relationship to child; if foster parent, agency, institution or other relationship, so  
state] : \_\_\_\_\_ . Petitioner seeks to enforce the following order of  custody  
 visitation , a certified copy of which is attached [specify jurisdiction, court and docket or index  
number]:

2. Respondent , \_\_\_\_\_ , [check applicable box]:  resides  is located at [specify

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<sup>1</sup> Specify if address, telephone or other identifying information has been ordered to be kept confidential pursuant to New York State Domestic Relations Law §§76-h(5), 254 or Family Court Act §154-b. If your health or safety or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply for an address confidentiality order by submitting General Form GF-21. This form is available on-line at [www.nycourts.gov](http://www.nycourts.gov) .

address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §§76-h(5), 254]:

Respondent is [specify relationship to child; if foster parent, agency, institution or other relationship, so state]:

3. The name, present address, and date of birth of each child who is the subject of this proceeding are as follows [Indicate if address ordered to be kept confidential pursuant to Domestic Relations Law §§76-h(5), 254 or Family Court Act §154-b(2)]:

| <u>Name</u> | <u>Present Address</u> | <u>Date of Birth</u> |
|-------------|------------------------|----------------------|
|-------------|------------------------|----------------------|

4. **[REQUIRED where one or more parties are not parents of the child(ren); check A and applicable boxes, or B or C ; if petition is between two parents, SKIP to Paragraph 5]:**

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]:

5. **[Applicable when Petitioner and/or Respondent are on active duty or have recently returned from active military service; DELETE if inapplicable]:**

a. Petitioner [check applicable box]:

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]:<sup>2</sup>

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<sup>2</sup> Inapplicable if Petitioner is based at a permanent duty station or has had a permanent reassignment of station.

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 return from active duty is likely to affect custody or visitation, if at all]:

b. Respondent [check applicable box]:

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]:<sup>3</sup>

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 return from active duty is likely to affect custody or visitation, if at all]:

**6. [Applicable where the judgment or order had been entered in conjunction with a New York child protective dispositional or permanency hearing order directing custody with a relative or other non-parent, pursuant to Family Court Act §1055-b or §1089-a; delete if inapplicable]:**

(i) The  judgment  order was issued in conjunction with the following child protective or permanency proceeding [specify Family Court, county and docket #]:

(ii) The  judgment  order provided that the following local department of social services [specify]: \_\_\_\_\_ and the following attorney for the child(ren)[specify]: \_\_\_\_\_ must be notified and shall be made parties to any subsequent proceedings for modification, enforcement or termination of the judgment or order.

7. This order [check applicable box]:

was issued by a New York State Court.

has been registered in New York State. [Attach copy of Order or Certification of Registration. Note: registration is not required for enforcement].

has not been registered in New York State.

was denied registration in New York State on [specify date]:

by [check applicable box]:  this Court  another New York State court [specify]:

is the subject of a pending application for registration in New York State filed on [specify date]: \_\_\_\_\_ in [check applicable box]:  this Court  another New York State court [specify]:

8. This order [check applicable box]:

has been registered in the following other state, tribal or territorial jurisdiction or country [specify]: [Note: registration is not required for enforcement].

has not been registered in any other jurisdiction or country.

was denied registration in the following other state, tribal or territorial jurisdiction or country [specify]:

is the subject of a pending application for registration in the following other state, tribal or territorial jurisdiction or country [specify]:

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<sup>3</sup> Inapplicable if Respondent is based at a permanent duty station or has had a permanent reassignment of station.

9. This order is in effect and has not been vacated, stayed or modified.

10. The name and current address<sup>4</sup> of the person(s) with whom each child resided during the past five years are as follows:

| <u>Name</u> | <u>Address</u> | <u>Duration</u><br>(from/to) | <u>Name of Person</u><br><u>With Whom Child</u><br><u>Resided</u> | <u>Current Address of</u><br><u>the Person With</u><br><u>Whom Child</u><br><u>Resided</u> |
|-------------|----------------|------------------------------|---|--|
|-------------|----------------|------------------------------|---|--|

11. Apart from the proceeding that resulted in the issuance of the order sought to be enforced herein, 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:

12. [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.

13. Check applicable box:

- No proceeding has been commenced that could affect this action.  
 The following proceeding(s) have been commenced that could affect this action,  
[specify jurisdiction, court, docket or index number, type of proceeding and status]:

14. The court that issued the order sought to be enforced identified the following jurisdictional  
basis or bases for its issuance [check applicable box(es)]:

- The child lived in that state or jurisdiction with a parent or person acting as a  
parent for at least six consecutive months before the proceeding was  
commenced.  
 The child and at least one parent or person acting as a parent had a significant  
connection with that state or jurisdiction and that state or jurisdiction has  
substantial evidence concerning the child's care, protection, training and  
personal relationships.  
 All other courts with jurisdiction declined to exercise jurisdiction and the court  
that  
issued the order determined that it was the more appropriate forum.  
 No court of any other state or jurisdiction would have jurisdiction based upon  
any of the foregoing factors.  
 No jurisdictional basis for the order was specified.

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<sup>4</sup> See note #1.

15. Respondent violated this order by the following acts [specify violation(s) including facts, circumstances and dates]:

16. Because of the Respondent's violation, Petitioner has incurred the following legal expenses and costs to date [specify; delete if inapplicable]:

17. [Delete if inapplicable]: This court should issue a warrant requiring the production of the child because [check applicable box(es)]:

The child is at imminent risk of serious physical harm, because [specify]:

The child is at imminent risk of removal from the State of New York because [specify]:

18. Petitioner requests a Temporary Order of Protection pursuant to Family Court Act §655 because [specify]:

19. No previous application has been made to any court or judge for the relief herein, (except [specify; delete if inapplicable]: \_\_\_\_\_).

WHEREFORE, Petitioner requests that this Court issue [check applicable boxes]:

an order directing Respondent to appear immediately before the Court with the above-named child(ren);

a warrant directing law enforcement to pick up the child(ren) and give physical custody to Petitioner or [specify]:

an order necessary to ensure the safety of the parties and the child(ren) as

follows [specify]:

a temporary order of protection containing the following condition(s) [specify]:

an order convening an immediate hearing within three court days after the filing of this petition to enforce the custody or visitation order.

an order directing Respondent to pay Petitioner's attorney's fees and costs.

an order [specify]:

an order providing such other and further relief as this Court may deem just and proper.

Dated:

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Petitioner's Name (print or type)

\_\_\_\_\_  
Signature of Attorney, if any

\_\_\_\_\_  
Attorney's Name (print or type)

\_\_\_\_\_  
Attorney's Address and Telephone Number

**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.

\_\_\_\_\_  
Petitioner: Signature

\_\_\_\_\_  
Print or type name