

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 the
*Uniform Child Custody Jurisdiction
and Enforcement Act*

Petitioner

Docket No.
 FINAL ORDER
 TEMPORARY ORDER
ON PETITION FOR
 CUSTODY VISITATION
– UCCJEA

-against-

Respondent
.....

The Petitioner herein having filed a petition on [specify date]: _____, _____, pursuant to the
Uniform Child Custody Jurisdiction and Enforcement Act [Article 5-A of the Domestic Relations Law],
requesting an order of custody visitation of the following minor children [list each child as follows]:

Name of Child: _____ Date of Birth: _____ Address¹

_____ ; and

Respondent having appeared not appeared before this Court, either in person or by telephone,
audiovisual or other electronic means, to answer the petition, having been advised by the Court of the right
to counsel, and Respondent having denied admitted the allegations of the petition; and

[Required in cases involving Native-American children, where government agency is a party; check if
applicable]:

- And the following having been duly notified [check applicable box(es)]:
 parent/custodian tribe/nation United States Secretary of the Interior;
- And the tribe/nation having: appeared and participated as a party;

¹1. 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; Domestic Relations Law §§76-h(5), 254; Form 21 (available at www.nycourts.gov).

- appeared and declined to assume jurisdiction;
- appeared and requested transfer of jurisdiction;
- not appeared;

[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]: 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;

[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]: _____

[Applicable to cases where Petitioner is a relative or other non-parent and where hearing was consolidated with a New York child protective dispositional or permanency hearing, pursuant to F.C.A. §§1055-b or 1089-a; DELETE IF INAPPLICABLE]:

And the Court having found that:

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 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.

[Required in ALL cases in which at least one parent is not a party; 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].

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

**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; it is hereby**

ADJUDGED that [check applicable box(es)]:

1. This Court has jurisdiction to issue a child custody or visitation order pursuant to Section 76(1) of the Domestic Relations Law on the following grounds [check all applicable box(es)]:

a. this state was the home state of the child on the date of the filing of this petition;

this state was the home state of the child within six months before the filing of this petition; and the child is absent from this state but a parent or person acting as a parent

continues to live in this state;

OR

- b. the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships; and EITHER

[check applicable box]:

a court of another state does not have home state jurisdiction under paragraph (a); OR

a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Domestic Relations Law §§76-f or 76-g, because [specify]:

OR

- c. all courts having jurisdiction under paragraph (a) or (b) of this subdivision have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Domestic Relations Law §§76-f or 76-g, because [specify]:

OR

- d. no court of any other state would have jurisdiction under the criteria specified in paragraph (a), (b) or (c).

OR

This Court does NOT have jurisdiction to make an initial determination of custody or visitation pursuant to Section 76(1) of the Domestic Relations Law.

2. [Check box if applicable]: This Court has jurisdiction to issue an order on a temporary, emergency basis, pursuant to Domestic Relations Law §76-c, because the child is presently in this State and [check one or both boxes]:

the child has been abandoned; and/or

it is necessary in an emergency to protect the child, a sibling or parent of the child.

3. Petitioner incurred the following attorneys' fees and expenses in prosecuting this action [specify]:

AND IT IS HEREBY ORDERED that [check applicable box(es)]:

The Petition for **custody** **visitation is GRANTED** as follows [specify]:

OR

The Petition for **custody** **visitation is GRANTED solely on a temporary, emergency basis** as follows [specify]:

This order shall remain in effect until an order is obtained from another court having jurisdiction pursuant to Sections 76 through 76-b of the Domestic Relations Law. Where the child(ren) is/are in imminent risk of harm, this order shall remain in effect until another court having jurisdiction pursuant to DRL §76 through §76-b has taken steps

to assure the protection of the child(ren). This temporary, emergency order shall become final if this State becomes the home state of the child(ren) and if no child custody proceeding is commenced in a state having jurisdiction pursuant to DRL §76 through §76-b.

OR

The Petition is DENIED and is hereby dismissed. This dismissal is without prejudice to any remedies, if any, that Petitioner may have in another state or other jurisdiction. ; and it is further

ORDERED that the Respondent pay the Petitioner the following fees and costs in connection with this proceeding [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]:

[Applicable to cases where hearing 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 in cases involving Native-American child(ren) where government agency is a party; DELETE IF INAPPLICABLE]:

ORDERED that the following should be notified of this proceeding [specify]: the custodian of the child; tribe/nation; United States Secretary of the Interior

ORDERED that in light of the assumption of jurisdiction by the tribe/nation, this petition is DISMISSED WITHOUT PREJUDICE; (and it is further)

ORDERED that

ENTER

Judge of the Family Court

Dated: .

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 ELETRONIC 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, emailed or electronically transmitted on [specify date(s) and to whom sent]: _____

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