

F.C.A. §§ 651, 652

General Form GF-40
(Petition for Modification of Order of
Custody or Visitation –Family or Supreme Court) ¹
(1/2026)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

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In the Matter of a Proceeding for Custody/Visitation
Under Article 6 of the Family Court Act

Docket No.

Petitioner,

-against-

Respondent

PETITION FOR
MODIFICATION OF ORDER OF
 Custody Visitation
MADE BY FAMILY COURT
 SUPREME COURT

.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. I am [specify relationship to child(ren)]: _____ of [specify child(ren)]'s
name(s)]:

I am seeking to modify an order of [check applicable box(es)]: custody visitation.

2. The home addresses of the Petitioner and Respondent are as follows:²
Petitioner:

Respondent:

3. Petitioner is _____ and was the _____ in an action filed in
 Supreme Court of the State of New York, _____ County, Index No. [specify]:
 Family Court of the State of New York, _____ County, Docket No. [specify]:
entitled

4. [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]:

¹ If the order was entered by a Court outside New York State or a tribal court, use Form *UCCJEA-9*.

² Unless ordered confidential, pursuant to Family Court Act §154-b, because disclosure would pose an unreasonable risk to the health or safety of the party. See Forms GF-21 and 21a, available at www.nycourts.gov.

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]:³

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]:⁴

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]:

5. a. A judgment order, dated _____, was entered in the action directing the Respondent Petitioner to [specify terms]:

A true copy of the judgment order is attached and made a part of this Petition.

b. [Applicable where the judgment or order had been entered in conjunction with a 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.

6. The names, addresses and dates of birth of all children affected by this order are:

<u>Name</u>	<u>Address</u> ⁵	<u>Date of Birth</u>
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³ Inapplicable if Petitioner is based at a permanent duty station or has had a permanent reassignment of station.

⁴ Inapplicable if Respondent is based at a permanent duty station or has had a permanent reassignment of station.

⁵ Unless ordered confidential, pursuant to Family Court Act §154-b, because disclosure would pose an unreasonable risk to the health or safety of the party. See Forms GF-21 and 21a, available at www.nycourts.gov.

7. [Applicable where Order or judgment had been issued by Supreme Court; delete if inapplicable]: Under the terms of the judgment order , the Supreme Court has not retained exclusive jurisdiction to modify the judgment order .

8. **[REQUIRED where one or more parties are not the parent of the child:** check A and applicable boxes, or B or C]; if petition is between two parents, skip to paragraph. 9]:

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]:

9. (Upon information and belief) Since the entry of the judgment order, there has been a change of circumstances in that [specify]:

10. Because of this change of circumstances, the judgment order should be modified as follows [specify]:

11. [Applicable to cases in which petitioner is a relative or other non-parent seeking to modify a custody order and where a child protective petition or permanency hearing report has been filed regarding the children; delete if inapplicable]:

a. A child protective petition, Docket # [specify]: _____, was filed in Family Court, [specify county]: _____ on [specify date]: _____ alleging that [specify names of respondents on that petition]: _____ neglected or abused the above-named child(ren). The petition resulted in [specify whether finding was made and, if so, the disposition; if the disposition has been adjourned pending a consolidated hearing with this petition, pursuant to F.C.A. §1055-b, so indicate and give next court date]: _____

b. A permanency report, Docket # [specify]: _____, pursuant to Article 10-A of the Family Court Act, was filed in Family Court, [specify county]: _____ on [specify date]: _____ indicating a permanency plan of custody of the child(ren) with Petitioner in this proceeding. The permanency hearing was adjourned to [specify date]: _____ pending a consolidated hearing with this custody modification petition, pursuant to F.C.A. §1089-a.

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

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

e. The child has been living with the following foster parent(s)[specify]: _____ since [specify date]: _____. The foster parent(s) has/have has/have not consented to the modification of the custody order to award custody to the Petitioner. [If unaware whether they have consented, so state]: _____

f. The local department of social services [specify]: _____ in the related child abuse or neglect permanency proceeding has has not consented to the modification of the custody order to award custody to the Petitioner. [If unaware whether they have consented, so state]: _____

g. 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. [If unaware whether they have consented, so state]: _____

12. No previous application has been made to any Court or judge for the relief requested in this Petition (except [specify]: _____)

WHEREFORE, Petitioner respectfully requests that the judgment order of the Supreme Court Family Court, dated _____, be modified as set forth above and for such other relief as the Court may deem just and proper.

Dated:

Petitioner

Print or type name

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