

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF .....

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:<sup>2</sup>  
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]:  
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

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

<sup>2</sup> 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](http://www.nycourts.gov).

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]:

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>4</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]:

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<sup>5</sup></u>	<u>Date of Birth</u>
_____	_____	_____

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

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

<sup>5</sup> 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](http://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. (Upon information and belief) Since the entry of the judgment order, there has been a  
change of circumstances in that [specify]:

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

10. [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

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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]:

11. 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

STATE OF NEW YORK )

:ss:

COUNTY OF )

being duly sworn, says that (s)he is the Petitioner in the above-named proceeding and that the foregoing petition is  
true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information and belief and as  
to those matters (s)he believes it to be true.

\_\_\_\_\_  
Petitioner

Sworn to before me this  
day of \_\_\_\_\_

\_\_\_\_\_  
(Deputy) Clerk of the Court  
Notary Public