

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

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In the Matter of a Proceeding under  
Article of the Family Court Act  
Section of the Social Services Law  
Section Domestic Relations Law

Docket No.

Petitioner,

-against-

Respondent

Petition  
For Writ of  
Habeas Corpus

.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. Petitioner resides has offices at [specify address]: and is the  
[specify relationship]: of the following child(ren), who (is)(are) the subject(s) of  
this application:

Name of Child

Date of Birth

2. Respondent resides has offices at [specify address]:  
, and is the [specify relationship]: of the child(ren).

3. [Check box(es) if either or both parties are in or recently returned from active military service]:<sup>1</sup>

Petitioner 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]:

Petitioner 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 duty is likely to affect custody or visitation, if at all]:

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<sup>1</sup> Inapplicable if the party is based at a permanent duty station or had a permanent reassignment of station.

Respondent 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]:

Respondent 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 duty is likely to affect custody or visitation, if at all]:

4. (Upon information and belief,) [check applicable box(es)]:

(T)(t)he above child(ren) (is)(are) in the custody of the Respondent and (has)(have) been since [specify date]:

Respondent wrongfully and unlawfully removed withheld the child(ren) from the custody of the Petitioner in that [specify]:

Respondent wrongfully prevented or interfered with Petitioner's visitation rights with the child(ren) in that [specify]:

5. Petitioner has requested the return of the child(ren) from Respondent and Respondent has failed and refused to return the child(ren) to the custody of the Petitioner. [Delete if inapplicable].

6. [Check applicable box(es). Delete inapplicable provisions]:

a.  The father of the child(ren) who (is)(are) the subject(s) of this proceeding is [specify]:

The father was married to the child(ren)'s mother at the time of the conception or birth.

An order of filiation was made on [specify date and court and attach true copy]:  An acknowledgment of paternity was signed on [specify date]: by [specify who signed and attach a true copy]:

The father is deceased.

b.  The father of the child(ren) who (is)(are) the subject(s) of this proceeding has not been legally established.

c.  A paternity agreement or compromise was approved by the Family Court of County on , concerning [name parties to agreement or compromise and child(ren)]:

A true copy of the agreement or compromise is annexed hereto.

7. [Applicable to cases in which mother is not a party]: The name and address of the mother is [indicate if deceased or if address ordered to be kept confidential pursuant to Family Court Act §154-b(2) or Domestic Relations Law §254]:

8. During the last five years, each child who is the subject of this proceeding resided at: [specify address or indicate if ordered to be kept confidential pursuant to Family Court Act §154-b(2) or



index number and status]:

b. No court or judge of the United States has exclusive jurisdiction to order the child(ren) released.

16. An Order of Protection of Temporary Order of Protection was issued [check applicable box(es)]:  
against Respondent \_\_\_\_\_ against me \_\_\_\_\_ in the following criminal, matrimonial or Family Court  
proceeding(s) [specify the court, docket or index number, date of order, next court date and status of case,  
if available]:

The \_\_\_\_\_ Order of Protection \_\_\_\_\_ Temporary Order of Protection) expired or will expire on [specify]:

17. [Check applicable box]:

The custody of the child(ren) should be returned to the Petitioner for the following reasons  
[specify]:

Visitation rights should be granted to Petitioner for the following reasons [specify]:

18. The subject child(ren)  are  are not Native-American child(ren) subject to the Indian Child  
Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

WHEREFORE, Petitioner requests that a Writ of Habeas Corpus be directed to the Respondent(s),  
commanding the Respondent(s) to produce the child(ren) in this Court, in order that (s)he may be given  
the \_\_\_\_\_ custody \_\_\_\_\_ visitation rights to the child(ren).

\_\_\_\_\_  
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 (he)(she) (they) (is)(are) the  
Petitioner(s) in the above-named proceeding and that the foregoing petition is true to (his)(her)(their) own  
knowledge, except as to matters therein stated to be alleged on information and belief, and as to those  
matters (he)(she)(they) believe(s) it to be true.

\_\_\_\_\_

Petitioner(s)

Subscribed and sworn to before me  
this    day of

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