

F.C.A §§ 661; 1089-a; S.C.P.A.§§ 1701- 1707
[NOTE: This form should be used only by Petitioners seeking appointment as kinship guardians, who have fully executed agreements with the local social services district under the NYS Subsidized Kinship Guardian Program]

Form 6-1-c
(Petition for Appointment of Kinship Guardian [Subsidized Kinship Guardian Program] and/or Permanent Guardian)
4/2011

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Proceedings for the Appointment of a
 Kinship guardian (Subsidized Kinship Guardian Program)
 Permanent Guardian
of

Docket No.
Family File No.
**PETITION FOR
APPOINTMENT AS**
 **Kinship guardian [Subsidized
Kinship Guardian Program]**
 Permanent Guardian

A Person Under the Age of 21

.....
TO THE FAMILY COURT:

The Petitioner respectfully alleges to this Court that:

1. I am [specify relationship]: _____ of the person under the age of 21 who is the subject of this petition and I am submitting this petition in order to be appointed [check one or both boxes]: Kinship Guardian in conjunction with the NYS Subsidized Kinship Guardian Program ¹ Permanent Guardian.²

2. My name is [specify]: _____ and I live at [specify name] _____

¹ A “kinship guardian” under the NYS Subsidized Kinship Guardian Program may be appointed pursuant to Family Court Act §661 and Surrogate’s Court Procedure Act §1707, if the Court finds: that the appointment is in the child’s best interests, that the guardian and the local social services district have a fully executed agreement for payments in accordance with Title 10 of Article 6 of the Social Services Law and that the guardian has cared for the child as a fully certified or approved foster parent for at least six consecutive months prior to the application for the guardianship subsidy. Note that by executing the agreement with the prospective guardian, the social services district has indicated that it has determined the prospective guardian to be eligible for the Subsidized Kinship Guardian subsidy, contingent upon the Court’s approval of the guardianship petition and issuance of letters of guardianship. The court must further determine that if the related proceeding was a child protective proceeding, the fact-finding and permanency hearings must have been completed., or, if the related proceeding was a voluntary foster care, PINS, juvenile delinquency or freed-child permanency proceeding, that a permanency hearing has been completed in such proceeding. Persons over the age of 18 must consent to the kinship guardian’s appointment. If the application to the social services district for Subsidized Kinship Guardian payments was made after the child’s 16th birthday and certain vocational or educational conditions are met, the payments may last until the person reaches the age of 21.

² A “permanent guardian” may be appointed, pursuant to Family Court Act §661(b) and Surrogate’s Court Procedure Act §1702(2), if the Court finds that it is in the best interests of a person under the age of 21, who has been committed to an authorized agency through termination of parental rights or surrender or whose birth parents or other persons entitled to notice of, or to consent to, adoption are deceased. Persons over the age of 18 must consent to such an appointment, which may last until the person reaches the age of 21. A person may be appointed as both a permanent and a subsidized kinship guardian.

and complete address of residence]:³

3. The name, date of birth and residence of the person under the age of 21 who is the subject of this proceeding are as follows:

Name:

Date of Birth:

Complete address:⁴

4. The subject of this proceeding is is not a Native American child under the age of 18 who is subject to the *Indian Child Welfare Act of 1978* (25 U.S.C. §§1901-1963). If so, 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]:

5. The name and relationship of person with whom the subject of this proceeding resides are as follows:

Person with whom subject resides [specify name]:

Relationship to subject:

Address [include street, city, village or town, county and state]:⁵

6. (Upon information and belief) The religion of the person who is the subject of this proceeding is [specify]:

7. (Upon information and belief) The names, relationship and post office addresses of the birth parents of the subject of the proceeding, the name and address of the person with whom the subject resides, if other than the parent(s), on whom process should issue; and such other persons concerning whom the court is required to have information, are as follows: [If either birth parent is dead or has surrendered or has had parental rights terminated (TPR), so allege; if both parents are dead, indicate nearest adult next of kin]:

<u>Relationship</u>	<u>Name</u>	<u>Complete Address</u>	<u>Deceased?</u>	<u>TPR?</u>	<u>Surrender?</u>
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Birth mother:

Birth father:

³ 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; Form 21 (available at www.nycourts.gov).

⁴ 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; Form 21 (available at www.nycourts.gov).

⁵ 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; Form 21 (available at www.nycourts.gov).

Person with whom
the subject resides,
if other than parents:

Adult next of kin, if
birth parents are dead:

Other [specify]: ⁶

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

a. Appointing me as the kinship guardian (in conjunction with the Subsidized Kinship Guardian Program) permanent guardian would be in [subject's name]: best interests and would preserve his/her legal rights because [specify facts regarding the suitability, ability and commitment of the proposed guardian to assume full legal responsibility and raise him/her to adulthood]:

b. (i) In related proceedings regarding the above-named child [check applicable box]:

[Applicable to related child protective proceedings]: Fact-finding and permanency hearing have been completed pursuant to Family Court Act §§1051 and 1089;

[Applicable to voluntary foster care, juvenile delinquency, PINS and freed-child proceedings]: A permanency hearing has been completed pursuant to Family Court Act §§355.5, 756-a or 1089;

(ii) I am related to the child through blood, marriage, or adoption as follows [specify]:

(iii) I have been caring for the child as a fully certified or approved foster parent since [specify date]: , which is at least six consecutive months prior to [specify date] , the date of my application to the local social services district for kinship guardianship assistance payments..

(iv).[Check applicable box]: Care and custody guardianship and custody have been awarded to [specify local social services district, including county if outside New York City, or authorized child care agency]:

The local social services district and I have a fully executed (signed) agreement to provide kinship guardianship assistance payments for the child under title ten of article six of the social services law.

(v) Referral for legal guardianship is an appropriate permanency goal for the child because the child is strongly attached to me and because I am committed to permanently caring for the child and raising the child to adulthood. [Specify supporting facts and circumstances]:

(vi). The following compelling reasons exist for determining that neither return home nor adoption

⁶ Include Mental Hygiene Legal Services, if the subject of the proceeding is mentally retarded or developmentally disabled and has been admitted to a facility, and any person entitled to notice of or consent to the adoption of the subject of the proceeding.

of the child are in the best interests of the child and are, therefore, not appropriate permanency goals for the child [specify]:

c. [Required where appointment of permanent guardian is also requested, pursuant to Family Court Act §661(b) or S.C.P.A. §1702(2); delete if inapplicable]:

(i) [Check applicable box]:

guardianship and custody have been committed to the following authorized agency [specify, include whether by surrender or termination of parental rights and attach certified copies of the orders terminating parental rights or approving the surrenders, as applicable]:

both parents of the child, whose consent to or notice of an adoption would have been required, are deceased [attach death certificates].

(ii) The local social services district performed an assessment, as required by S.C.P.A. §1704(8), that recommended the following [specify and attach a copy of the assessment]:

9: [Applicable to cases in which child protective (abuse or neglect) petition or permanency hearing report⁷ has been filed regarding the children; delete if inapplicable]:

a. A child protective (abuse or neglect) 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 hearing jointly with this petition, pursuant to F.C.A. §1055-b, so indicate and give next court date]: _____

b. A permanency report, Docket # [specify]: _____, in a child protective (abuse or neglect), voluntary foster care, PINS, juvenile delinquency or freed-child permanency proceeding, was filed in Family Court, [specify county]: _____ on [specify date]: _____ indicating the following permanency goal [specify]: _____ with Petitioner in this proceeding. The permanency hearing was adjourned to [specify date and indicate if the Court ordered the hearing to be held jointly with this petition, pursuant to F.C.A. §1089-a]: _____

c. The child's birth mother has has not consented to the award of guardianship to the

⁷ The permanency hearing report may relate to a child protective, voluntary foster care, juvenile delinquency, PINS or freed-child proceeding.

Petitioner. If not, the following extraordinary circumstances support Petitioner's standing to seek guardianship of the child(ren) [specify]:

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

10. (Upon information and belief) No guardian pursuant to will or deed, or guardian of the person pursuant to Section 384 or 384-b of the Social Services Law, has been previously appointed for the subject of this proceeding, except [specify]:

11. Upon information and belief, [Check all applicable box(es)]:

a. I have never been the subject of an indicated report, as such term is defined in of the Social Services Law §412, that has been filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

I was the subject of an indicated report, as defined in of the Social Services Law §412, that was filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the date of the report, date of determination that report was "indicated," status and circumstances to the extent known]:

I am the subject of a report, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remains under investigation. [Specify the date of the report, status and circumstances to the extent known]:

b. I have never been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act.

I have been the subject of, or the respondent in, a child protective proceeding pursuant to Article Ten of the Family Court Act. [Specify whether the proceeding resulted in an order finding that a child or children was/were abused or neglected, indicate whether the subject of this proceeding was found to be abused or neglected and provide the date and status of the proceeding to the extent known]:

c. I have never been the subject of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

I have been the subject of an Order of Protection or Temporary Order of Protection in a criminal, matrimonial or Family Court proceeding(s) as follows [specify the court, docket or index number, whether I was protected or restrained by the order, date of order, expiration date of order, next court date and status of case to the extent known]:

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

a. The following adults who are age 18 or older live in my home:

<u>Name</u>	<u>Relationship, if any, to subject of proceeding</u>	<u>Date of Birth</u>
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b. None of the adults 18 or older living in my home has ever been the subject of any indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422.

The following adults 18 or older living in my home have been the subjects of indicated reports, as defined in of the Social Services Law §412, that were filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422. [Specify the name(s) of the adults, date(s) of the report(s), whether the subject of this proceeding was the subject of the report(s), status and circumstances to the extent known]:

The following adults 18 or older living in my home are the subjects of reports, as defined in of the Social Services Law §412, filed with the statewide register of child abuse and maltreatment pursuant Social Services Law §422, that remain under investigation [Specify the name(s) of the adults, whether the subject of this proceeding is the subject of the report(s), date(s) of the report(s), status and circumstances to the extent known]:

c. None of the adults 18 or older living in my home has ever been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the Family Court Act.

The following adults 18 or older living in my home have been the subjects of, or the respondents in, child protective proceedings pursuant to Article Ten of the Family Court Act, as follows [Specify the names of the adults, whether the proceedings have resulted in orders finding that the child is an abused or neglected child, whether the subject of this proceeding was a subject of those proceedings and the date and status of the proceedings to the extent known]:

d. None of the adults 18 or older living in my home has ever been the subjects of an Order of Protection or Temporary Order of Protection in any criminal, matrimonial or Family Court proceeding(s).

The following adults 18 or older living in my home have been the subjects of Orders of Protection or Temporary Orders of Protection in criminal, matrimonial or Family Court proceeding(s), as follows [specify the names of the adults, whether the adults are or were restrained or protected by the order(s), court, docket or index number, date of order, expiration date of order, next court date and status of cases to the extent known]:

13. The birth parent(s) of the child [specify]:
 although living, should not be appointed guardian of the person of the child because:

14. a. [Applicable where the subject of the proceeding is 18 years of age or older; check box if inapplicable]: The person who is the subject of this proceeding is over the age of 18 and has consented to my appointment as the guardian, a copy of which is attached.

b. [Applicable where the child is over 14 years of age but less than 18; check box if applicable]: The child, who is over the age of 14, has [check applicable box]: : expressed a preference for expressed no preference regarding opposed my appointment as the guardian. A copy of the child’s preference form is attached.

15. There are no persons interested in this proceeding other than those mentioned above.

16. No prior application has been made to any court, including a Native- American tribunal, for the relief requested herein (except [specify]:).

WHEREFORE, Petitioner requests that an order be entered appointing me to be the [check one or both boxes]: kinship guardian in conjunction with the NYS Subsidized Kinship Guardian Program permanent guardian of [specify]: until the child reaches the age of 18 21 upon his/her consent,⁸ and that letters of guardianship be issued to me.

Dated:

Signature of Petitioner

Print or type name

Signature of Attorney, if any

Attorney’s Name (Print or Type)

Attorney’s Address and Telephone Number

⁸ If Petitioner is appointed as a kinship guardian, payments under the Subsidized Kinship Guardian program continue until the child is 21 only if the subsidized kinship guardianship agreement with the social services district became effective after the child’s 16th birthday and the social services district determines that the child is: (i) completing secondary education or a program leading to an equivalent credential; (ii) enrolled in an institution which provides post-secondary or vocational education; (iii) employed for at least eighty hours per month; (iv) participating in a program or activity designed to promote, or remove barriers to, employment; or (v) incapable of any of such activities due to a medical condition, which incapability is supported by regularly updated information in the child’s case plan .

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.

Sworn to before me this
day of .

Petitioner

(Deputy)Clerk of the Court
Notary Public