

Instructions for an Enforcement/Violation of an Order of Custody/Visitation Petition

As an alternative to these forms, a step-by-step computer program is available at www.nycourthelp.gov which can help you prepare and print a petition for enforcement/violation of an order of custody/visitation.

Do not make copies of these instructions, as they are for your information only.

All forms must be completed with black ink only, and printed legibly.

To satisfy the legal requirements to have your petition for enforcement/violation of an order of custody/visitation considered, every question must be answered on the petition and applicable forms, and required documents must be attached. Failure to do so may result in the dismissal of your petition.

These forms and instructions are available in the General Clerk's Office in the Nassau County Family Court at 101 County Seat Drive, Mineola, NY and on the Nassau County Family Court website at www.nycourts.gov/courts/10jd/nassau/family.shtml .

The following are required to file your petition:

- | | |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ● Petition (GF 41/8a) and applicable attachments-> | original and 3 copies; if you file the petition in person and you bring an extra copy (5th set), 1 copy will be stamped by the court and given back to you as proof of filing, |
| ● Current order of Custody/Visitation-> | if the order is a Nassau County Family Court order, then 3 copies,

if the order is not a Nassau County Family Court Order, then 3 copies and 1 certified copy, except if a certified copy of the order was previously submitted on a prior custody/visitation matter filed after January 1, 2013, then only 3 copies,

if the order is part of a judgment of divorce, all attachments are required with each copy, |
| ● Nassau County Family Court (NCFC) Information Sheet-> | original (one or more, to include each petitioner and/or respondent). |

Do not use this petition and instruction packet if the order of custody/visitation/parenting time is not from a New York State court.

Do not use this petition and instruction packet if the child(ren) are in the custody of the Department of Social Services.

Page 1

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In the Matter of a Proceeding for Custody/Visitation
under Article 6 of the Family Court Act or Section 240 of
the Domestic Relations Law

PETITION for Enforcement/Violation
of an Order of Custody/Visitation
Made by

- NYS Family Court
- NYS Supreme Court

Petitioner (1) Print your name here
Petitioner (2) If there is an additional person filing
this petition, print the name here

-AGAINST-

Respondent (1) Print the name of the person you
are filing the petition against here
Respondent (2) If there is an additional person you are
filing the petition against, print the
name here

File # <u> </u> leave blank <u> </u>
Docket #(s) <u> </u> leave blank <u> </u>
<i>(Court use only)</i>

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Pages 1 - 2

The following refers to the numbered sections of the petition:

1. Child's Information: In the separate sections labeled Child (1), Child (2), etc., print the name of each child named in the current order of custody/visitation/parenting time that you are requesting the enforcement of. Print the date of birth, check box regarding whether the child is male or female, print address, and name of person(s) the child resides with for each child.

If there are more than three children, use an additional sheet of paper and make sure to include the name, date of birth, sex of each additional child, address, and name of person(s) the child resides with.

*The family court does not share personal information with the public, but petitions are provided to all parties. If the child's(ren)'s address is not known to the respondent(s) and you are requesting that the child's(ren)'s address be kept confidential from the respondent(s), print the word CONFIDENTIAL on the address line; print the child's(ren)'s name(s), address(es) and the word CONFIDENTIAL on an additional sheet of paper and attach it to the NCFC Information Sheet only.

Page 2

2a. & 2b.

Petitioner's - Information: You are the petitioner(s) (person(s) requesting the enforcement of the custody/visitation/parenting time order.

Print your name, date of birth, address (where you reside or where you are temporarily located, including zip code) and your relationship to the child(ren), including whether you are on the maternal or paternal side of the family, if applicable. If the relationship is not the same for all the children in the petition, explain on the line provided.

*The family court does not share personal information with the public, but petitions are provided to all parties. If your address is not known to the respondent(s) and you are requesting that your address be kept confidential from the respondent(s), print the word CONFIDENTIAL on the address line. Include your address on the NCFC Information Sheet. Check box on the NCFC Information Sheet directly below the section for your address, which asks if you are requesting to keep your address confidential.

3a. & 3b.

Respondent's Information-

The respondent(s) is(are) the person(s) you are filing against. You must include both legal parents, unless one or both are the petitioner(s). You must also include the current custodian(s).

Print the name, date of birth, address (including zip code and if the current address is unknown then you must include the last known address), and the relationship to the child(ren) for each respondent. If the relationship is not the same for all the children in the petition, explain on the line provided.

If there are more than 2 respondents, use an additional sheet of paper and make sure to include the name, date of birth, address, and relationship to the child(ren) for each additional respondent.

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4. Check one box for each question. If yes to either question, complete and attach the **4a. Military Service Attachment** before the petition is signed and notarized. If no to both questions, discard the **4a. Military Service Attachment**.

4a. Military Service Attachment, if applicable:

Check one box for each question. If yes, fill in the information required. If the answer to any of the four questions in this section applies to more than one petitioner parent or respondent parent, use an additional sheet of paper and include the name of the parent, whether he/she is actively deployed or returning from active military service, deployment or temporary assignment, and include all the corresponding information requested on the form.

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- 5a. Check applicable box. If the current custody/visitation/parenting time order is from a New York State court other than Nassau County Family Court, then print the required information on the line given. Fill in the date of the order, the petitioner's/plaintiff's name, the respondent's/defendant's name, the docket #/index #, and the terms of the order. If the current order is not a NYS order than this petition and instruction packet are not the correct forms to request enforcement/violation of the order.
- 5b. Check applicable box, which directs the type and number of copies of the current custody/visitation/parenting time order required for filing the petition according to your particular circumstances. To satisfy the legal requirements to have your petition for enforcement/violation of custody/visitation/parenting time considered the appropriate box must be checked and the corresponding copies of the order must be provided when filing the petition. If you need assistance with this section, go to the Clerk's Office of the Family Court at 101 County Seat Drive, Mineola.

Pages 3 - 4

6a. Check ✓ one box. If yes, fill in the information required.

Page 4

6b. Check ✓ one box. If yes, fill in the name of the child's(ren's) attorney.

7a. Print the date(s) the respondent failed to obey the order of custody/visitation/parenting time. Specifically list the terms of the order of custody/visitation/parenting time that have not been complied with and how the respondent has not complied with these terms for each date.

7b. Explain what you are requesting the court to do. Be specific.

Pages 4 - 5

8. Check ✓ one box. If yes, fill in the information required.

Page 5

DATED: fill in the date you sign the petition

Sign and print your name on the lines provided.

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VERIFICATION

When all of the sections in your petition and applicable attachments are complete, you must affirm to the truthfulness of the petition by filling out and signing your name in the verification section.

After signing the verification on the original petition, make 3 copies. If required, see section 5b of the petition, attach the certified copy of the current custody/visitation/parenting time order or the certified copy of the judgment of divorce with the certified attachment(s) to the original petition. Then attach the original NCFC Information Sheet to the original petition. Attach 1 copy of the current custody/visitation/parenting time order or judgment of divorce with attachment(s) to each of the 3 copies of the petition. Staple each set. Bring the 4 complete sets of papers to the General Clerk's Office of the Family Court between the hours of 9:00 a.m. and 4:45 p.m.

**or - mail to: Nassau County Family Court
101 County Seat Drive
Mineola, NY 11501
Attn: General Clerk's Office**

If you file the petition in person and you bring an extra copy (5th set), 1 copy will be stamped by the court and given back to you as proof of filing.

F.C.A. § 652

General Form 41/8a
Custody/Visitation- Enf./Viol.
3/2009
NCFC 5/2025

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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

PETITION for Enforcement/Violation
of an Order of Custody/Visitation
Made By

Petitioner (1) _____
 First M.L Last

- NYS Family Court
- NYS Supreme Court

Petitioner (2) _____
 First M.L Last

-AGAINST-

Respondent (1) _____
 First M.L Last

FILE # _____
DOCKET #(s) _____

<i>(Court use only)</i>

Respondent (2) _____
 First M.L Last

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WARNING: THE PURPOSE OF THE HEARING REQUESTED IN THIS PETITION IS TO PUNISH [SPECIFY NAME OF RESPONDENT]: _____ FOR CONTEMPT OF COURT, WHICH MAY INCLUDE SANCTIONS OF A FINE OR IMPRISONMENT OR BOTH. YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.

TO THE FAMILY COURT:

The undersigned petitioner respectfully alleges upon information and belief that:

1. Respondent(s) has(have) failed to obey an order/judgment of custody/visitation/parenting time for the following child(ren) and I(we) am(are) seeking to enforce said order/judgment:

Name of Child (1): _____

Date of Birth: ____ / ____ / ____ Sex: Male Female

*Address: _____

Name of person(s) with whom child resides: _____

Name of Child (2), if applicable: _____

Date of Birth: ____ / ____ / ____ Sex: Male Female

*Address: _____

Name of person(s) with whom child resides: _____

Name of Child (3), if applicable: _____

Date of Birth: _____ / _____ / _____ Sex: Male Female

*Address: _____

Name of person(s) with whom child resides: _____

If there are 4 or more children, provide the same information on an additional sheet of paper.

*** If address is not known to the respondent(s) and you are requesting that the address be kept confidential from the respondent(s), print the word CONFIDENTIAL above and print the child's(ren's) name(s), address(es) and the word CONFIDENTIAL on an additional sheet of paper and attach it to the NCFC Information Sheet only.**

2a. Petitioner (1) - Information:

Name: _____

Date of Birth: _____ / _____ / _____

*Address: _____

Relationship to the child(ren): _____

2b. Petitioner (2) - Information, if applicable:

Name: _____

Date of Birth: _____ / _____ / _____

*Address: _____

Relationship to the child(ren): _____

If the relationship is not the same for all children, please explain:

*** If address is not known to the respondent(s) and you are requesting that your address be kept confidential from the respondent(s), print the word CONFIDENTIAL above and print your address on the NCFC Information Sheet only.**

3a. Respondent (1) - Information:

Name: _____

Date of Birth: _____ / _____ / _____

Address: _____

Relationship to the child(ren): _____

3b. Respondent (2) - Information, If applicable:

Name: _____

Date of Birth: _____ / _____ / _____

Address: _____

Relationship to the child(ren): _____

If the relationship is not the same for all children, please explain:

4. Is/Are either the petitioner parent(s) or respondent parent(s) activated, deployed or temporarily assigned to military service? Yes No

Has/Have either the petitioner parent(s) or respondent parent(s) returned from active military service, deployment or temporary assignment? Yes No

If yes to either question, complete and attach the **4a. Military Service Attachment.**

5a. The information following applies to the current custody/visitation/parenting time order/judgment:

Name of Court: Nassau County Family Court
 NYS _____ County Family Court
 NYS _____ County Supreme Court

Date of Order/Judgment: ____ / ____ / ____

Name of Petitioner/Plaintiff: _____

Name of Respondent/Defendant: _____

Docket #/Index #: _____

Terms of the Order/Judgment (state the terms of who has custody of the children and the terms of who has visitation or parenting time with the children): _____

Use an additional sheet of paper if necessary.

5b. Check one box below:

- The order is a Nassau County Family Court order; three copies have been provided for service.
- A certified copy of the non-Nassau County Family Court custody/visitation/parenting time order/judgment (with a certified copy of attachments) is attached and three additional copies have been provided for service.
- A certified copy of the non-Nassau County Family Court custody/visitation/parenting time order/judgment (with a certified copy of attachments) was previously submitted to Nassau County Family Court on a prior custody/visitation/parenting time matter filed after January 1, 2013 and three copies have been provided for service.

6a. Was the order entered in conjunction with a child protective dispositional order or a permanency

hearing order, directing custody with a relative or other non-parent, pursuant to the Family Court Act §1055-b or §1089-a? Yes No

If yes, complete the following pertaining to the child protective case:

Family Court, County of _____, Docket # _____.

6b. Did the order provide that the local department of social services and/or the attorney for the child(ren) be notified and be made parties to any subsequent proceedings for modification, enforcement or termination of the order? Yes No

If yes, complete the following:

Name of the Attorney for Child(ren): _____.

7a. Since the entry of the order/judgment, respondent(s) has(have) failed to comply with the following terms of the order/judgment, and has (have) defeated, impaired, impeded or prejudiced the rights or remedies of the petitioner(s) in that (specify what term(s) was (were) violated, including nature of the violation(s) and date(s) of the violation(s) (be specific): _____

Use an additional sheet of paper if necessary.

7b. Regarding enforcement/violation of the terms of the order/judgment, what are you requesting the court to do? _____

Use an additional sheet of paper if necessary.

8. Has there been an application made in any court, including a Native American tribunal, for the relief herein requested? Yes No

If yes, complete the following:

Name of Parties: _____

Name of Court: _____

Address of Court: _____

Type of Case: _____

Status of Case: _____

If more than one litigation, provide the same information on an additional sheet of paper for each litigation.

WHEREFORE, the petitioner(s) request(s) that the current order/judgment, be enforced and/or respondent(s) be dealt with as set forth above in accordance with Article 6 of the Family Court Act and applicable provisions of law and for such other relief as the court may deem just and proper.

Dated: ___ / ___ / ___

Petitioner (1) [sign name]

Petitioner (1) [print name]

Petitioner (2) [sign name]

Petitioner (2) [print name]

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VERIFICATION

I am the Petitioner in the above-entitled proceeding and affirm this ___ day of _____, 20___, 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 (1) [sign name]

.....
VERIFICATION

I am the Petitioner in the above-entitled proceeding and affirm this ___ day of _____, 20___, 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 (2) [sign name]

Complete these pages only if you have checked ✓ yes to one of the questions in section 4 of the petition.

4a. Military Service Attachment

FILE # _____

DOCKET # (s) _____

(Court use only)

1. Is a petitioner parent activated, deployed or temporarily assigned to military service?

Yes No Not applicable, petitioner(s) is(are) not the parent(s).

If yes, fill in the following information:

Name of Petitioner Parent: _____

Type of Service: _____

Military Branch or National Guard: _____

Anticipated Dates of Duty: ____ / ____ / ____ , ____ / ____ / ____

Location of Duty: _____

Specify how military duty is likely to affect custody/visitation, if at all:

2. Has a petitioner parent returned from active military service, deployment or temporary assignment?

Yes No Not applicable, petitioner(s) is(are) not the parent(s).

If yes, fill in the following information:

Name of Petitioner Parent: _____

Type of Service: _____

Military Branch or National Guard: _____

Return Date from Duty: ____ / ____ / ____

Location of Duty: _____

Specify how military duty is likely to affect custody/visitation, if at all:

If there is a 2nd petitioner parent who is activated, deployed or temporarily assigned to military service or who has returned from active military service, deployment or temporary assignment, provide the same information on an additional sheet of paper.

4a. Military Service Attachment

3. Is a respondent parent activated, deployed or temporarily assigned to military service?

Yes No Not applicable, respondent(s) is(are) not the parent(s).

If yes, fill in the following information:

Name of Respondent Parent: _____

Type of Service: _____

Military Branch or National Guard: _____

Anticipated Dates of Duty: ____ / ____ / ____ , ____ / ____ / ____

Location of Duty: _____

Specify how military duty is likely to affect custody/visitation, if at all:

4. Has a respondent parent returned from active military service, deployment or temporary assignment?

Yes No Not applicable, respondent(s) is(are) not the parent(s).

If yes, fill in the following information:

Name of Respondent Parent: _____

Type of Service: _____

Military Branch or National Guard: _____

Return Date from Duty: ____ / ____ / ____

Location of Duty: _____

Specify how military duty is likely to affect custody/visitation, if at all:

If there is a 2nd respondent parent who is activated, deployed or temporarily assigned to military service or who has returned from active military service, deployment or temporary assignment, provide the same information on an additional sheet of paper.

**Nassau County Family Court
Information Sheet**

Print all information. Every box must be filled in. If you do not know the information, print the word UNKNOWN.

FILE # _____
DOCKET # _____
<i>(Court use only)</i>

Petitioner (Person filing petition)

Name: (First) (Middle) (Last)		
Maiden/Alias/Nickname: (First)		(Last)
Address: (Street) (City)		(Apt. #) (State) (Zip Code) (County)
If your residence address and mailing address are different, check here <input type="checkbox"/> , print mailing address in this section and attach a separate paper with your name and residence address.		
If your address is not known to the respondent and you are requesting that your address be kept confidential check box here <input type="checkbox"/> .		
Home Phone #: () -	Work Phone #: () -	Cell Phone #: () -
Date of Birth: / /	Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other [specify]: _____	Ethnic Origin: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		
Social Security #: - -	Height: ft. in.	Weight: lbs
Distinguishing Marks:		Eye Color:
Driver's License ID #:		Hair Color:
Are you employed? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, Employer's Name: Employer's Address:		

Respondent (Person you are filing petition against)

Name: (First) (Middle) (Last)		
Maiden/Alias/Nickname: (First)		(Last)
Address: (Street) (City)		(Apt. #) (State) (Zip Code) (County)
If the respondent's residence address and mailing address are different, check here <input type="checkbox"/> , print mailing address in this section and attach a separate paper with the respondent's name and residence address.		
Home Phone #: () -	Work Phone #: () -	Cell Phone #: () -
Date of Birth: / /	Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other [specify]: _____	Ethnic Origin: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		
Social Security #: - -	Height: ft. in.	Weight: lbs
Distinguishing Marks:		Eye Color:
Driver's License ID #:		Hair Color:
Is respondent employed? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, Employer's Name: Employer's Address:		