

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF [COUNTY]

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In the Matter of

[CHILD]

A Child Under the Age of Eighteen Years,
Alleged to be Neglected by

[RESPONDENT(s)];

Respondents.

NOTICE OF MOTION

Docket No.:

[JUDGE/PART]

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PLEASE TAKE NOTICE that upon the annexed Affirmation of [ATTORNEY] dated [DATE], and upon all proceedings heretofore held herein, the undersigned will move this Court before the Honorable [JUDGE] at [COURT NAME/ADDRESS] on [DATE] at [TIME] or as soon thereafter as possible, for orders pursuant to Family Court Act §§ 255, 1015-a and relevant regulations and case law:

1. That [AGENCY] refer [RESPONDENT] to a service provider with experience serving speakers of [LANGUAGE], with services delivered in [LANGUAGE] by bilingual staff or a qualified interpreter; and,
2. Directing [AGENCY] to pay for such services if they are not covered by [RESPONDENT]'s insurance; and,
3. Directing [AGENCY] to provide car service to such services if the trip between [Respondent]'s home and the service provider's location by public transit takes more than forty-five minutes or requires more than half a mile of walking.
4. Granting such other and further relief as the Court deems just and proper.

Pursuant to Section 2214(b) of the New York Civil Practice Law and Rules, any answering affidavits are to be served at least two days prior to the return date of this motion.

Dated: [DATE]

Sincerely,

[ATTORNEY SIGNATURE BLOCK]

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF [COUNTY]

-----X
In the Matter of

[CHILD]

A Child Under the Age of Eighteen Years,
Alleged to be Neglected by

[RESPONDENT(s)];

Respondents.

**AFFIRMATION IN
SUPPORT OF
NOTICE OF MOTION**

Docket No.:

[JUDGE/PART]

-----X

[ATTORNEY] an attorney licensed to practice law before the courts of this State,
hereby affirms under the penalties of perjury under the laws of New York, which may
include a fine or imprisonment, that the following is true, and that this document may be
filed in an action or proceeding in a court of law::

1. I am the attorney for the respondent [RESPONDENT], and I am fully familiar
with all papers and proceedings previously filed and had herein. I make this
Affirmation in Support of [RESPONDENT]'s Notice of Motion seeking orders
that the [AGENCY] refer [RESPONDENT] to a culturally and linguistically-
appropriate service provider, pay for such services if they are not covered by
[RESPONDENT]'s insurance, and pay for car service to such services if they are
not reasonably accessible by public transit.
2. This Affirmation is made upon personal knowledge and information and belief,
the sources of which include [...].

I. PERTINENT FACTS AND PROCEDURAL HISTORY

3. [Make sure to include the relevant procedural history and the facts about the respondent's native/primary language, the service plan and referrals made, respondent's insurance/ability to pay for services, respondent's lack of a car, and any work schedule which impacts her ability to spend a lot of time traveling to services.]

II. ARGUMENT

A. This Court should order [AGENCY] to refer [RESPONDENT] to culturally-appropriate services in [his/her] primary language because such services would increase the likelihood of achieving reunification.

4. This Court has the authority to order [AGENCY] to provide [RESPONDENT] with services to facilitate reunification. Family Court Act § 255 authorizes the Family Court to “order, any state, county, municipal and school district officer and employee to render such assistance and cooperation as shall be within his legal authority, as may be required, to further the objects of [the Family Court Act].” In addition, under Family Court Act § 1015-a, a family court “may order a social services official to provide or arrange for the provision of services or assistance to the child and their family to facilitate . . . the discharge of the child from foster care.”
5. [AGENCY] also has an obligation to make reasonable efforts to facilitate reunification. When a child is removed from their home, “the state’s first obligation is to help the family with services . . . to reunite it.” SSL § 384-b(1)(a)(iii). Unless excused, reasonable efforts towards reunification must be made at every stage of the case. *See* Fam. Ct. Act § 1052(b)(i)(A) (requiring court

- to determine whether “reasonable efforts were made prior to the date of the dispositional hearing”); Fam. Ct. Act § 1089(d)(2)(iii)(A) (requiring court, at a permanency hearing, to determine whether reasonable efforts were made).
6. To be reasonable, the agency’s efforts must be tailored to the individual situation. *See, e.g., In re Lacey L.*, 153 A.D.3d 1151, 1152 (1st Dep’t 2017), *aff’d sub nom. Lacey L. v. Stephanie L.*, 32 N.Y.3d 219 (2018); *In re Cloey S.*, 99 A.D.3d 1080, 1081 (3rd Dep’t 2012). That individual situation includes the individual’s cultural background and language needs.
 7. The importance of culturally and linguistically appropriate services was recently emphasized by the Court of Appeals. In *Matter of K.Y.Z.*, the Court held that the foster care agency failed to make diligent efforts when it “failed to provide father with linguistically and culturally appropriate services.” 2025 NY Slip Op 05781 *7 (2025). The Court also emphasized the importance of “clear and precise communication” in the parent’s language. *Id.* Providing services in the parent’s primary language is also required by New York regulations. *See* 18 N.Y.C.R.R. 423.4(l)(2).
 8. [RESPONDENT]’s service plan requires her to engage in [SERVICE(S)] to address the issues that led to the children’s placement in foster care. To give [RESPONDENT] a meaningful opportunity to benefit from those services and ultimately reunify with her children, those services must be provided in her primary language and by a provider with experience working with individuals with a similar cultural background.

B. The agency should be directed to pay for such services if they are not covered by [RESPONDENT]’s insurance and to pay for transportation to the services if they are not reasonably accessible by public transit.

9. As the Court of Appeals recently noted, “Economic challenges . . . are often the most difficult to overcome because lack of financial resources may be at the root of other barriers to reunification.” *Matter of K.Y.Z.* at *5. As a result, the Court held that when financial circumstances pose a barrier to reunification, the agency is obligated to assist the parent with overcoming those barriers. *Id.* at *5-6. New York regulations also require that services “be provided without regard to income.” 18 NYCRR 423.4(1)(6).
10. In this case [RESPONDENT] is indigent and unable to pay out of pocket for the services she needs to address the issues that led to the child’s placement in foster care. If those services are not paid for by [RESPONDENT]’s insurance, the agency should be required to pay for those services so that [RESPONDENT] can continue working towards reunification.
11. [RESPONDENT]’s indigence also impacts her ability to travel to services. [Any facts about not having a car and, if appropriate, having a work schedule that limits the time to travel to services should be highlighted here.] If the services are not reasonably accessible via public transit, [RESPONDENT] will not be able to engage in them and her lack of transportation will pose a barrier to reunification. The agency, thus, should be required to provide the resources necessary to overcome this barrier.

WHEREFORE, it is respectfully requested that this Court grant the relief requested herein, as well as such other and further relief as the Court deems just and proper.

Date: [DATE]

[ATTORNEY SINGATURE BLOCK]