

Family Court Forms Revisions

The attached Administrative Order AO-394, signed by Chief Administrative Judge Zayas on Dec. 28, 2023, rescinds and replaces 78 Family Court forms. All of the forms are effective January 1, 2024, except GF-12, 4-9 and 4-9b, which are effective immediately, and all will be posted on-line at www.nycourts.gov shortly. The changes to the forms are summarized below.

1. Changing Affidavit Forms to Affirmation Forms

Chapter 559 of the Laws of 2023 provides that, effective January 1, 2024, affidavits submitted in civil cases need not be notarized, thus permitting affirmations to be used. As delineated in the statute, new language regarding perjury has been added to all attorney and non-attorney affirmation forms. While notarized affidavits may still be submitted, affirmations have been substituted for the uniform form affidavits.

The following 51 forms are being replaced to convert them from affidavit forms to affirmation forms, and/or to make other required changes: Forms GF-5b, GF-5c, GF-5d, GF-5e, GF-10a, GF-12a, GF-12d, GF-12f, GF-17b, GF-17c, GF-21, GF-31, GF-36b, GF-45a, Adoption UCS-836, Adopt-1-Ca, Adopt-1e, Adopt 2-e, Adopt8-a, Adopt-8-b, Adopt-9a, Adopt-9b, Adopt-10a, Adopt-10b, Adopt-10c, Adopt-21e, Adopt-23, Adopt-26a, Adopt-27c, 4-7b, 4-7c, 4-17, 4-17a, 4-19, 4-20a, 4-22, 4-25b, 5-17b, 10-11b, 10-13a, PH-7b, PH-7c, Surr-1a, Surr-4, Surr-4a, Surr-5, Surr-5a, TPR-1b, TPR-12, UCCJEA-3 and UCCJEA-14.

2. Adding References to Affirmations in Orders and Notice of Motion Forms

Many forms had references to affidavits, and in light of Chapter 559 of the Laws of 2023, those forms have been amended to include affirmations as well.

The following 25 forms are being replaced in order to make this change: Forms GF-12, GF-14, GF-15, GF-17a, GF-18a, GF-21a, GF-36a, GF-37, GF-42, GF-45, GF-46, 3-1, 4-19a, 4-20, 4-25a, 4-SM-2, 5-4, 5-17a, 10-11a, 10-12, 10-13, 10-14, PH-7a, PH-8 and Surr-6.

3. Order Directing Forensic Evaluation

Pursuant to Chapter 740 of the Laws of 2022, as modified by Chapter 23 of the Laws of 2023, effective December 23, 2023, amendments to the Domestic Relations Law and Executive Law, applicable in custody and visitation proceedings in Family and Supreme Courts, prohibit courts from appointing forensic evaluators who do not have a certification indicating that they have completed a prescribed training program provided by the New York State Office for the Prevention of Domestic Violence in conjunction with the New York State Coalition Against Domestic Violence. See D.R.L. §240(1)(a-3) and Exec. L. §575(3)(o)

As a result, the Order Directing a Forensic Evaluation (General Form GF-12) has been revised to recite compliance with the new training statute, in addition to the existing requirement to comply with the Rules of the Appellate Divisions.

4. Income Withholding Orders

Pursuant to a recent directive from the federal Office of Child Support Services (United States Department of Health and Human Services, Administration for Children and Families), the expirations dates listed in the income withholding order form and related instructions have been extended to September 30, 2024.

Two forms ((Forms 4-9/LDSS 5037 and 4-9b/LDSS5039) have been amended to make this change.

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE

Pursuant the powers vested in me under section 214 of the Family Court Act and section 212 of the Judiciary Law:

- (a) I hereby rescind the following 78 forms that are used in Family Court proceedings in courts of the State of New York:

General Forms

GF-5b	Affidavit in support of issuance of Family Court temporary order of protection
GF-5c	Affidavit in support of issuance of Family Court temporary order of protection
GF-5d	Affidavit in support of modification of family court order of protection or temporary order of protection
GF-5e	Affidavit in support of entry of out of state order of protection or temporary order of protection onto statewide registry of orders of protection
GF-10a	Affidavit in support of motion for extension or modification of order of protection
GF-12	Order directing forensic evaluation
GF-12a	Affidavit of party under CPLR §3103(a)
GF-12d	Affirmation of counsel
GF-12f	Affidavit of non-disclosure of forensic report and/or materials and data
GF-14	Notice of motion
GF-15	Order on motion
GF-17a	Notice of motion – sibling placement or contact
GF-17b	Affidavit of child in support of motion for an order for sibling placement or contact
GF-17c	Affidavit of attorney for child in support of motion for an order for sibling placement or contact
GF-18a	Order on Motion for sibling placement or contact
GF-21	Address confidentiality affidavit
GF-21a	Address confidentiality order
GF-31	Affirmation relation to <i>Indian Child Welfare Act</i>
GF-36a	Motion for an order that reasonable efforts are not required
GF 36b	Affidavit in support of motion that reasonable efforts are not required
GF-37	Order on motion for order that reasonable efforts are not required
GF-42	Special findings Order (Special Immigrant Juvenile Status)
GF-45	<i>Family First Prevention Services Act</i> - Notice of Motion – Approval of Placement in a Qualified Residential Treatment Program
GF-45a	<i>Family First Prevention Services Act</i> - Affidavit in support of motion for approval of placement in a Qualified Residential Treatment Program
GF-46	<i>Family First Prevention Services Act</i> - Order on Motion for Approval of Placement in a Qualified Residential Treatment Program

Adoption

UCS-836	Attorney's Affirmation – Agency and Private Placement Adoptions
1-Ca	Affidavit – Change of circumstance – Private placement
1-e	Affirmation regarding venue
2-e	Affidavit and consent – person having lawful custody – private placement
8-a	Affidavit – Identifying Party-Agency
8-b	Affidavit – Identifying party
9-a	Affidavit of financial disclosure – Parents (Agency)

9-b	Affidavit of financial disclosure – parents
10-a	Supplemental affidavit- agency
10-b	Supplemental affidavit- private – placement
10-c	Affidavit regarding status of appeal
21-e	Affidavit – change of circumstances since certification as qualified adoptive parent
23	Affidavit and report – disinterested person – certification proceeding
26-a	Affidavit and report -disinterested person- extension of expired certification
27-c	Affidavit of service of petition for access to sealed adoption records

Juvenile delinquency

3-1	Juvenile delinquency – order on motion for a change of venue
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Child Support

4-7b	Objection to Support Magistrate Order
4-7c	Rebuttal to Objection to Support Magistrate Order
4-9	Income Withholding Order – Non-IV-D cases [LDSS-5057]
4-9b	Income Withholding Order -General Information and Instructions [LDSS-5059]
4-17	Financial disclosure affidavit
4-17a	Financial disclosure affidavit (short form)
4-19	Objection to Proposed Adjusted Order
4-19a	Order determining objection to proposed adjusted order
4-20	Motion to vacate adjusted order of support
4-20a	Affidavit in support of motion to vacate adjusted order of support
4-22	Objection to Support Collection Unit (SCU) denial of challenge to driver's license suspension
4-25a	Notice of motion to vacate for lack of service
4-25b	Affidavit in support of motion to vacate for lack of service
4-SM-2	Information concerning the filing of objections and rebuttals in a proceeding before a Support Magistrate

Paternity

5-4	Notice of motion and affidavit – challenge to genetic marker or DNA testing directive
5-17a	Notice of motion to vacate for lack of service
5-17b	Affidavit in support of motion to vacate for lack of service

Child Protective

10-11a	Notice of motion to terminate placement
10-11b	Affidavit in support of motion to terminate placement
10-12	Order on motion to terminate placement
10-13	Notice of motion – violation of order of disposition
10-13a	Affidavit in support of motion for order of violation of order of disposition
10-14	Order - violation of order of disposition

Termination of Parental Rights

TPR-1b	Affidavit of caseworker regarding persons entitled to notice of proceeding to terminate parental rights of child in foster care
TPR-12	Affidavit regarding venue – termination of parental rights

Permanency/reentry

PH-7a	Notice of motion by youth to reenter foster care
PH-7b	Affidavit in support of motion by youth to reenter foster care
PH-7c	Affidavit in support of order to show cause by agency to return youth to foster care
PH-8	Order on motion to reenter foster care

Surrenders

Surr-1a	Affidavit of caseworker regarding persons entitled to notice of surrender of child in foster care
Surr-4	Affidavit of authorized agency employee witness to execution of extra-judicial surrender of child in foster care
Surr-4-a	Affidavit of independent witness to execution of extra-judicial surrender of child in foster care
Surr-5	Affidavit of authorized agency employee responsible for arranging supportive counseling
Surr-5a	Affidavit of provider of supportive counseling – extra-judicial surrender of child in foster care
Surr-6	Order approving or disapproving extra-judicial surrender instrument

Uniform Child Custody Jurisdiction and Enforcement Act [UCCJEA]

UCCJEA-3	Affidavit - UCCJEA
UCCJEA-14	Affidavit in support of registration of custody or visitation order

(b) I hereby prescribe the following 78 forms for use in Family Court proceedings in the courts of the State of New York:

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GF-5b	Affirmation in support of issuance of Family Court temporary order of protection
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GF-5d	Affirmation in support of modification of family court order of protection or temporary order of protection
GF-5e	Affirmation in support of entry of out of state order of protection or temporary order of protection onto statewide registry of orders of protection
GF-10a	Affirmation in support of motion for extension or modification of order of protection
GF-12	Order directing forensic evaluation
GF-12a	Affirmation of party under CPLR §3103(a)
GF-12f	Affirmation of non-disclosure of forensic report and/or materials and data
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9-a	Affirmation of financial disclosure – parents (agency)
9-b	Affirmation of financial disclosure – parents
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- PH-7a Notice of motion by youth to reenter foster care
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- PH-7c Affirmation in support of order to show cause by agency to return youth to foster care
- PH-8 Order on motion to reenter foster care

Surrenders

- Surr-1a Affirmation of caseworker regarding persons entitled to notice of surrender of child in foster care
- Surr-4 Affirmation of authorized agency employee witness to execution of extra-judicial surrender of child in foster care
- Surr-4-a Affirmation of independent witness to execution of extra-judicial surrender of child in foster care
- Surr-5 Affirmation of authorized agency employee responsible for arranging supportive counseling
- Surr-5a Affirmation of provider of supportive counseling – extra-judicial surrender of child in foster care
- Surr-6 Order approving or disapproving extra-judicial surrender instrument

Uniform Child Custody Jurisdiction and Enforcement Act [UCCJEA]

- UCCJEA-3 Affirmation - UCCJEA
- UCCJEA-14 Affirmation in support of registration of custody or visitation order

/s/ Joseph Zayas

CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Dated: December 28, 2023

AO/ 394 /2023