

This material is provided to answer general questions about the law in New York State. The information and forms were created to assist readers with general issues and not specific situations, and, as such, does not replace the legal advice or representation of an attorney. Because of this and because of unanticipated changes in the law, the Rural Law Center of New York (RLC) makes no claim that this information will achieve the results you desire. Also, the RLC disclaims any responsibility for actions taken based on this material. If you are seeking advice about a specific legal issue, you should contact an attorney licensed to practice in New York State.

Rural Law Center of New York, Inc.

Filing for Custody as a Non-biological Parent Some Quick Tips

FIRST IMPRESSIONS MATTER!!!!

1. Be on time- for all meetings and court appearances
2. Be organized- have your paperwork tidy, complete and in order.
3. Be well groomed

APPEARANCE MATTERS!!!!

- Always be neat and tidy
- Always be freshly showered/bathed
- Always have your hair combed

Wear conservative dress clothes. This means:

Men- Put on what you would wear to a funeral or wedding.

Have your shirts ironed and tucked in.

Put on a sweater or jacket if you have one.

Shine your shoes.

NO HATS

Women- Dress conservatively

Wear a dress/skirt/ or dress pants

Do not wear high fashion

Wear your hair and make-up conservatively

4. When speaking, keep your voice up. Be deferential and respectful to the Court, the Clerks, the Judge, and the Caseworkers

COURT PROCEEDINGS

5. To file a custody petition in Family Court, as a non-parent, you must *first show* EXTRAORDINARY CIRCUMSTANCES. Without this your petition will be dismissed.

Extraordinary Circumstances include:

- Surrender of the child
- Abandonment of the child
- Persistent Neglect
- Unfit parent
- Extended disruption of custody
- Other circumstances that affect the welfare of the child

6. After Extraordinary circumstances you must *next show* BEST INTEREST OF THE CHILD.

Best Interest of the Child means:

- Stability
- Continuity
- Nurturing
- Medical Attention/Health
- Educational Needs
- Financial Ability to Raise the Child
- Compliance with Agencies

7. Steps to Follow:

- a. Petition
- b. Service
- c. Court Appearance
- d. Ready for Trial

*ALWAYS FOLLOW ALL JUDGE'S ORDERS

*HAVE PROOF THAT YOU HAVE FOLLOWED THE ORDERS (Keep a Journal)

PROVE YOUR ALLEGATIONS.

HOW?

- Witnesses (Agencies/Others)
- Your Testimony (Speak Loudly /Clearly)
- Reports
- Law Guardian/Parents
- Your Past History with the Court
- How You Parented Your Child