

**Having A Voice and A Choice: Legal Options for Kin and Fictive Kin**  
**NYSCCC 25<sup>th</sup> Annual Conference**  
**Celebrating Strengths • May 10, 2014**

**“Loaded Art. 6/V’s and Loaded Traditional or Subsidized Guardianships”**  
**Optional Language to Consider for Article 6 /V Docket Custody**  
**Orders And Traditional or Subsidized Guardianship Orders that Resolve Art. 10’s**  
**By Margaret A. Burt, Esq.**

1. Custodian/Guardian Grandmother Sue Smith shall not return the child Mary Jones to either of her parents on a permanent or temporary basis without a return to court and a court order. ACS /DSS and AFC will be noticed of any subsequent petitions/motions to modify and/or alleging violations of this order. Said notice shall be by \_\_\_\_\_ . ACS/DSS and AFC shall be entitled to participate as a full party in any said subsequent actions if they wish to do so. ACS/DSS may choose to investigate the child and parties current situation and all parties will sign any needed releases for that to occur.
2. Upon the court’s written/oral decision of \_\_\_\_\_ , the court found that extraordinary circumstances exist at this time and that further it is in the child’s best interests to be placed in the custody of/ guardianship Grandmother Sue Smith. All parties do hereby agree and consent that there are extraordinary circumstances that exist at this time and that further it is in the best interests of the child to be placed in the custody of/guardianship of Grandmother Sue Smith. The parties waive any further or future argument that extraordinary circumstances exist.
3. Parent Joe Jones shall have no visitation or contact with child Mary Jones directly or indirectly unless further ordered by this or another court with appropriate jurisdiction. Parent Joe Jones shall stay away from the child’s home and school

Parent Joe Jones shall have only supervised contact with the child Mary Jones. Custodian/Guardian Grandmother Sue Smith shall supervise any and all contact.

Parent Joe Jones shall have visitation with the child Mary Jones on each and every Wednesday night from 5pm until 8pm and on every other Saturday from 10AM to 7PM. Parent Joe Jones is responsible for all transportation for such visitation. Parent Joe Jones shall also have reasonable rights to telephone the child. The parties may alter said visitation upon mutual agreement.

4. Parent Denise Smith shall not be under the influence of any alcohol or drugs when she visits the child Mary Jones nor shall she use any such substances in the presence of the child. Custodian/Guardian Grandmother Sue Smith may refuse or terminate any visitation where Denise Smith is under the influence of any such substances.

Parents Joe Jones and Denise Smith shall not harass, threaten or intimidate the child or the custodian and shall refrain from committing any unreasonable risk to the health and safety of the child.

Parents Joe Jones and Denise Smith shall not speak inappropriately about Custodian/Guardian Grandmother Sue Smith in the child's presence or such that the child can hear and shall not encourage the child to disobey or run away.

5. Parent Sue Smith shall apply for Preventive Services with \_\_\_\_\_ and, if eligible for services, shall attend such services until service providers indicate that attendance is no longer necessary.
6. Parent Joe Jones shall seek and attend appropriate services to improve his parenting skills/ for his substance abuse/ mental health problem.
7. Custodian/Guardian Grandmother Sue Smith shall solely have the right to make any and all decisions about the child's educational/health needs and programs and the child shall attend school in Custodian/Guardian Grandmother Sue Smith's district. Only Custodian/Guardian Sue Smith shall sign any needed releases for educational/health purposes and records.
8. Should Custodian/Guardian Grandmother Sue Smith become incapacitated or die prior to the child's 18<sup>th</sup> birthday, custody of the child shall not revert per se to parents Joe Jones and/or Sue Smith and the issue shall be brought to a court of appropriate jurisdiction.
9. The attorney for the child, \_\_\_\_\_ shall be entitled at any time to bring any appropriate action for modification or alleging a violation of this order to the appropriate court.
10. Custodian/Guardian Grandmother Sue Smith shall not move or relocate with the child more than 50 miles from her current address.

Custodian/Guardian Grandmother shall keep the Parents advised at all times of her address and her phone number and shall advise the Parents of any health emergency or serious condition of the child.