

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

PRESENT:
HON. Stephen A. Ferradino
Judge

COPY

In the Matter of a Proceeding for the
Custody and/or Visitation of Minors
under Article 6 of the Family Court Act
CHARLES E. COLLINS III,
Petitioner,

ORDER TO SHOW CAUSE
PURSUANT TO SECTION 651
OF THE FAMILY COURT ACT

-against-

ARLENE COLLINS,
Respondent.

\ Docket No. _____

Upon the Petition of Charles E. Collins, III, verified the
8th day of February, 1985, annexed hereto; it is

ORDERED that ARLENE COLLINS, show cause before this
Court to be held at Saratoga County Family Court located in Ballston
Spa, New York on the 15th day of March, 1985, at Part I, at
10:30 o'clock in the FORE noon of that day or as soon thereafter
as parties can be heard, why an Order should not be made pursuant to
Section 651 of the Family Court Act awarding custody and/or visitation
of the minor child(ren) to wit: Charles E. Collins, IV, dob 1/5/78,
Amy Marie Collins, dob 9/17/78 and Everett Blakeman Collins dob 4/25/80,
referred to in the annexed petition to the Petitioner, and why Petitioner
should not have such other and further relief as the Court may determine;
and it is

~~ORDERED~~

ORDERED that personal service of a copy of this Order together with
the papers upon which it was granted, upon Respondent on or before the
2nd day of March, 1985, be deemed sufficient service.

ENTER

/s/Stephen A. Ferradino

J.F.C.

DATED: February 14, 1985

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF SARATOGA

In the Matter of a Proceeding for Support under Article _____ of the Family Act

PETITION FOR MODIFICATION OF ORDER MADE BY ANOTHER COURT

CHARLES E. COLLINS III,

Plaintiff,

(Support)(Custody) (Visitation)

-against-

ARLENE COLLINS,

Defendant.

Docket No. _____

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

- 1. Petitioner is Charles E. Collins III and resides at 108 Brunswick Road, Troy, New York 12180 Respondent is Arlene Collins and resides at 189 Wooddale Drive, Ballston Lake, New York 12019
2. Petitioner was the Defendant in an action instituted in the (Supreme Court of the State of New York, Saratoga County) entitled Arlene Collins -v- Charles E. Collins Index No. OI 27, and the respondent was the plaintiff in said action.
3. A (judgment)(order) dated July 27, 1981, was made in the action whereunder the Respondent was directed to the separation agreement dated October 30, 1980 and amended March 27, 1981 was incorporated but not merged in said judgment. Said separation agreement was again amended on February 19, 1982.

A true copy of the (judgment)(order) is annexed hereto and made part hereof, and all separation agreements.

- 4. *Under the terms of the (judgment)(order) and separation agreements () has not retained exclusive jurisdiction to modify said (judgment)(order).

*That the said Court is a court of competent jurisdiction outside the State of New York

- 5. That since the entry of said (judgment)(~~order~~) there has been a change of circumstances in that during October, November and December 1984, January, 1985 and for a majority of the many prior months, respondent was not at home with the children at the residence supplied to her by petitioner, but instead resided with her boy-friend Cary Ferrara at his residence. The children were watched by a live-in babysitter, named Linda Kirwood who, upon information and belief is 23 years of age.(see attached sheet)
- 6. That by reason of said subsequent change of circumstances, the said (judgment)(~~order~~) of the Supreme Court should be modified in the following respects: Custody of the minor children, to wit, Charles E. Collins, IV, dob 1/5/76, Amy Marie Collins, dob 9/17/78 and Everett Clakmen Collins, bod 4/25/80, be granted to petitioner, and that all support and maintenance referred to in the separation agreements be cancelled and that petitioner be granted possession of his residence at 189 Wooddale Drive, Ballston Lake, New York 12019
- 7. No previous application has been made to any court or judge for the relief herein requested, (~~order~~)

WHEREFORE, Petitioner respectfully prays that the said (judgment) (~~order~~) of the (Supreme Court)(Saratoga County Court) dated July 27, 1981, be modified in the respects herein before set forth and for such other relief as to the Court may seem just and proper.

DATED: February 8, 1985

Charles E. Collins *
Petitioner

VERIFICATION

STATE OF NEW YORK)
COUNTY OF SARATOGA) S.S.:

CHARLES E. COLLINS III being duly sworn, says that (s)he is the Petitioner in the foregoing petition; that said petition is true to (his)(~~her~~) knowledge, except as to matters therein stated to be alleged upon information and belief and as to those matters (s)he believes it to be true.

Charles E. Collins *
Petitioner

Sworn to before me this
8th. day of February

1985 Verna F. Monaco
(Deputy) Clerk of the Court
Notary Public

Collins v. Collins
Continuation No. 5.

That since 1/11- 1/13,1985, petitioner has not been allowed to see his children and that since the execution of the separation agreement, petitioner has been denied visitation on numerous occasions. That in May of 1984, petitioner, in concert with Elinor S. King, (his mother) and Everett King, (petitioner's step-father) purchased a one-family, three bedroom ranch dwelling which constitutes respondent's present-address, for the respondent to live in and raise the three children of the marriage. That since this purchase, the petitioner has payed all mortgage payments, taxes, heat, electricity and water on said residence even though, as previously alleged, respondent is seldom home with the children. It is petitioner's intent, that, if granted custody, he would move to said residence to properly care for his children.

That throughout respondent's custody with the issue of the marriage, she has shown extreme financial irresponsibility as well as lack of proper maternal supervision as described above.