

F.C.A. §§ 413, 440, 442-447,
449, 451, 461, 466, 467, 652, 654

Form 4-11a
(Support-Custody-Visitation: Order Extending,
Modifying or Terminating Order Made by
Family Court or Another Court)
1/2001

At a term of the Family Court of the
State of New York, held in and for
the County of _____,
at _____, New York
on _____.

P R E S E N T:

Hon.

Judge/Hearing Examiner

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

Docket No.

(Commissioner of Social Services, Assignee,
on behalf of _____, Assignor)

(ORDER (EXTENDING)
(MODIFYING)
(TERMINATING)ORDER
MADE BY (FAMILY)
(ANOTHER) COURT
(SUPPORT)(CUSTODY)
(VISITATION)

Petitioner,

S.S.# (Assignor)

-against-

Respondent.

S.S.#

.....
NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY
RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT
OR CONTEMPT. YOUR FAILURE TO OBEY THIS ORDER MAY
RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE,
STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS AND
OCCUPATIONAL LICENSES AND RECREATIONAL AND
SPORTING LICENSES AND PERMITS; AND IMPOSITION OF
REAL OR PERSONAL PROPERTY LIENS.

**IF THIS ORDER WAS ENTERED BY A JUDGE, THE ORDER
MAY BE APPEALED PURSUANT TO SECTION 1113 OF THE
FAMILY COURT ACT. THAT SECTION PROVIDES THAT AN
APPEAL FROM THAT ORDER MUST BE TAKEN WITHIN 30
DAYS AFTER RECEIPT OF THE ORDER BY THE APPELLANT IN
COURT, 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW**

GUARDIAN UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF THE COURT, WHICHEVER IS EARLIEST.

IF THIS ORDER WAS ENTERED BY A HEARING EXAMINER, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

The petition having been filed in this Court seeking to (terminate)(extend)(modify) a (judgment)(order) , dated _____ , granting (support)(custody)(visitation), made by the (Supreme Court of the State of New York, _____ County, entitled Index No. _____) (Family Court of _____ County) (Other court: _____); and

[Delete inapplicable provisions]:

(It appearing that under the terms of the (judgment) (order) the (Supreme court) (_____) has not retained exclusive jurisdiction to modify the (judgment)(order); and

((It appearing that the _____ Court is a court of competent jurisdiction outside the State of New York; and)

The matter having duly come on to be heard before this Court, and it appearing that there has (not) been a change of circumstances since the entry of the (judgment)(order) which makes the modification of the (judgment)(order) necessary and proper;

NOW, after examination and inquiry into the facts and circumstances of the case (and after hearing the proofs and testimony offered in relation thereto), the court finds that;

The basic child support obligation for support of the following child(ren) is \$ _____ (bi-weekly)(semi-)(monthly)(quarterly):

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>	<u>AMOUNT</u>
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The mother is the (custodial) (non-custodial) parent, whose pro rata share of the basic child support obligation is _____;

The father is the (custodial) (non-custodial) parent, whose pro rata share of the basic child obligation is _____;

And the Court finds further that:

(The non-custodial parent's pro rata share of the basic child support obligation is neither unjust nor inappropriate;)¹

(Upon consideration of the following factors specified in Family Court Act Section 413(1)(f): the non-custodial parent's pro rata share of the basic child support obligation is (unjust) (inappropriate)²

(The parties have voluntarily stipulated to child support for the child(ren)[names] _____ payable by _____ in the amount of _____ per _____, such stipulation having been entered into the record and reciting, in compliance with Section 413(1)(h) of the Family Court Act, that:³

The parties have been advised of the provisions of Section 413(1) of the Family Court Act;

The unrepresented party, if any, has received a copy of the child support standards chart promulgated by the Commissioner of the N.Y.S. Office of Temporary and Disability Assistance pursuant to Section 111-i of the Social Services Law:

(The basic child support obligation as defined in Family Court Act Section 413(1) presumptively results in the correct amount of child support to be awarded;)

(The parties' reason(s) for agreeing to child support in an amount different from the basic child support obligation (is) (are):

;))

(And the court having found the parties' agreement to deviate from the basic child support obligation is approved for the following reasons: [See Family Court Act Section 413(1)(f)]

;))

¹This paragraph is to be used if the basic child support obligation is applied without deviation. Delete if inapplicable.

²This paragraph is to be used only if the court's order deviates from the basic child support obligation, pursuant to F.C.A. Section 413(1)(g). Delete if inapplicable.

³This paragraph is to be used only if the court's order is based upon a stipulation pursuant to subdivision (1)(h) of Section 413 of the Family Court Act. Delete if inapplicable.

The name, address and telephone number of (Respondent's) (modification only: Petitioner's) current employer(s), are:

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
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NOW, therefore, it is hereby

(ORDERED that the (judgment) (order) herein, dated _____, _____, be and the same hereby is terminated;)

(ORDERED that the (judgment) (order) herein dated _____, _____, be and the same hereby is continued until further order of this Court;)

(ORDERED that the (judgment) (order) herein, dated _____, _____, be and the same hereby is modified and in the following respects:

(AND the defaulting party having (shown) (failed to show) good cause for failure to make an application for relief from the judgment or order directing payment prior to the accrual of the arrears, it is)

(ORDERED that arrears in the amount of \$ _____ are (annulled) (reduced to \$ _____) (fixed at the full amount of \$ _____);) and it is further

(ORDERED and ADJUDGED that the above-named (Respondent) (Petitioner) is responsible for the support so ordered from the date of the filing of the petition to the date hereof (less the amount of \$ _____ heretofore paid) and that the (Respondent) (Petitioner) pay the sum of \$ _____ as follows: \$ _____ immediately, \$ _____ (bi-weekly) (semi-) (monthly) (quarterly) to (Respondent) (Petitioner) (IV-D cases: Support Collection Unit) (Non-IV-D cases: N.Y.S. Office of Temporary and Disability Assistance); ⁴) and it is further

ORDERED that, pursuant to Family Court Act Section 440(1)(b)(2), this order shall be enforceable by immediate income deduction order issued in accordance with Section 5242(c) of the Civil Practice Law and Rules; ⁵ and it is further

⁴Non-IV-D cases only: payments must be remitted to: NYS Office of Temporary and Disability Assistance, P.O. 15365 , Albany, New York 12260

⁵Non-IV-D cases only; delete if inapplicable.

(ORDERED that, for the following reason(s)

constituting good cause pursuant to Section 440(1)(b) of the Family Court Act, the (IV-D cases: Support Collection Unit) (Non-IV-D cases: Court) shall NOT issue an immediate income execution; however, in the event of default,⁶ this order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law; and it is further

(IV-D cases only): ORDERED that the Respondent, custodial parent and any other individual parties inform the Support Collection Unit of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver's license number; and name, address and telephone numbers of the parties' employers;

(The Court having determined that employer- or organization health insurance coverage is available to [specify name(s) of legally-responsible relative(s)]
(under the following group health plan [specify, if known]:
) (which provides the following health insurance benefits [specify extent and type of benefits, if known]:
) or (that the dependent(s) named herein may be eligible for health insurance benefits under the New York "Child Health Plus" program), [delete inapplicable provision(s)],

IT IS THEREFORE ORDERED that [specify name(s) of legally-responsible relative(s)]:
enroll the eligible dependents named herein under said insurance coverage immediately and without regard to seasonal enrollment restrictions, effective as of [specify date]:
, and maintain such coverage as long as it remain available in accordance with [delete inapplicable provision(s)]:

G [IV-D cases only]: (the Medical Execution, which shall be issued immediately by the Support Collection Unit, pursuant to Section 5241 of the Civil Practice Law and Rules)(the Medical Execution issued by this Court)

G [Non-IV-D cases only]: (the Qualified Medical Child Support Order).
Such coverage shall include all plans covering the health, medical, dental, optical and prescription drug needs of the dependents named above and any other health care services or benefits for which the legally-responsible relative is eligible for the benefit of such dependents; provided, however, that the group health plan is not required to provide any type or form of benefit or option not otherwise provided under the group health plan except to the extent necessary to meet the requirements of Section 1396(g-1) of Title 42 of the United States Code;)

⁶ "Default" as defined in CPLR 5241 means the failure to remit three payments on the date due in the full amount directed in this order, or the accumulation of arrears including amounts arising from retroactive support, that are equal to or greater than the amount directed to be paid for one month, whichever occurs first.

G[“Child Health Plus,” IV-D and Non-IV-D cases]: (the “Child Health Plus” program, the NYS health insurance program for children. The custodial parent [specify name]:
shall immediately apply to enroll the eligible dependent(s) named herein in such program, effective as of [specify date]:
and the costs of such program shall be allocated among the parties as follows [specify]:

); (and it is further)

(ORDERED that [specify the legally-responsible relative(s)]: assign all insurance reimbursement payments for health care expenses incurred for (his)(her) eligible dependents to the provider of such services or the party having actually incurred and satisfied such expenses, as appropriate)(and it is further)

(ORDERED that the cost or premiums, if any, to be paid by the legally-responsible relative(s) to obtain or maintain such benefits be allocated as follows between the parties:
)[Applicable to Non-IV-D cases only; delete if inapplicable] (and it is further)

(ORDERED that upon a finding that the above-named legally-responsible relative(s) willfully failed to obtain health insurance benefits in violation of [delete inapplicable provision]: (this order) (the medical execution)(the qualified medical child support order), such relative(s) will be presumptively liable for all health care expenses incurred on behalf of the above-named dependent(s) from the first date such dependent(s)(was) (were) eligible to be enrolled to receive health insurance benefits after the issuance of such order or execution directing the acquisition of such coverage)(and it is further)

(ORDERED that [specify]: , the legally-responsible relative(s) herein, pay (his)(her) pro rata share of future reasonable health expenses of the child(ren) not covered by insurance by (direct payments to the health care provider)(other [specify]:
)as follows:

); (and it is further)

(ORDERED that, if health insurance benefits for the dependent(s) named herein not available at the present time become available in the future to the legally-responsible relative(s), such relative(s) shall enroll the dependent(s) named herein who are eligible for

such benefits immediately and without regard to seasonal enrollment restrictions and shall maintain such benefits so long as they remain available)(and it is further)

(ORDERED that , the non-custodial parent herein, pay the sum of \$ as educational expenses by (direct payment to the educational provider)(as follows:

); (and it is further)

ORDERED that [specify party or parties]: _____

[Check applicable box(es)]:

- Q (purchase and maintain)(life)(and/or)(accident) insurance in the amount of [specify]:
_____ (and/or)
- Q (maintain the following existing (life)(and/or)(accident) insurance policy in the amount of
[specify]: _____ (and/or)
- Q assign the following as (beneficiary) (beneficiaries) [specify]: _____
to the following existing (life)(and/or)(accident) insurance policy or policies [specify policy or
policies and amount(s)]:_____.

In the case of life insurance, the following shall be designated as irrevocable beneficiaries
[specify]: _____ during the following time period
[specify]:_____.

In the case of accident insurance, the insured party shall be designated as irrevocable
beneficiary during the following time period [specify]:_____.

The obligation to provide such insurance shall cease upon the termination of the duty of [specify
party]:_____ to provide support for each child.
(and it is further)

(ORDERED that when the person or family to whom family assistance is being paid no longer
receives family assistance, support payments shall continue to be made to the Support Collection Unit,
unless such person or family requests otherwise;

IT IS FURTHER ORDERED that a copy of this order be provided by (IV-D cases: Support
Collection Unit) (Non-IV-D cases: Clerk of Court) [delete inapplicable provisions] to the New York
State Case Registry of Child Support Orders established pursuant to Section 111-b(4-a) of the Social
Services Law. (and it is further)

(ORDERED

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NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE
APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF
THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR
MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST

ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS TO WHICH AN ADJUSTED ORDER CAN BE SENT AS REQUIRED BY SECTION 443 OF THE FAMILY COURT ACT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

ENTER

J.F.C. /H.E.

Dated: , .

Check applicable box:

9 Order mailed on [specify date(s) and to whom mailed]:_____

9 Order received in court on [specify date(s) and to whom given]:_____