

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 under
Article (4)(5-B) of the Family Court Act

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

S.S.# (Assignor)

-against-

Respondent.

S.S. #
.....

Docket No.

ORDER OF
DISPOSITION
(Violation of
Support Order)

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 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 above-named Petitioner having duly filed a petition in this Court, sworn to on _____, alleging that the above-named Respondent failed to obey the order of this Court dated _____, directing payment of support for the dependents indicated therein, and

The name, date of birth and social security number of the children involved are;

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>
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Respondent (not) having appeared before this Court to answer the petition and to show cause why the relief prayed for in the petition should not be granted, and having been advised by the Court of the right to counsel, and Respondent having (denied) (admitted)the allegations of the petition; and

The matter having duly come on to be heard before this Court;

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

[Delete inapplicable provisions]:

(And the Respondent having (shown)(failed to show) good cause for failure to make applications for relief from the order of this court directing payment prior to the accrual of the arrears; ¹)

it is

(ADJUDGED that the Respondent (willfully) failed to obey the order of this Court; and it is further

¹To be used in instances of spousal support or maintenance.

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 benefits as long as they 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;)

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
dependent(s) 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 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 dependents named herein not available at the present time become available in the future to the legally-responsible relative, such relative shall enroll the dependents 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 _____)

(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.) _____); (and it is further _____)

(IV-D cases only): (ORDERED that the Respondent pay the additional sum of \$ _____ (bi) (weekly) (semi) (monthly)(quarterly) towards arrears of \$ _____; (and with respect to such arrears payments, the Court finds that any anticipated tax refunds have been considered by the Court and taken into account in determining the amount of periodic payments to be paid toward said arrears and further directs that such arrears are not to be certified to the State Tax Commission pursuant to section 171-c of the Tax Law.) (and it is further _____)

ORDERED that judgment be entered in favor of the Petitioner against the Respondent in the amount of \$ _____ (plus interest (See CPLR 5004) from _____, _____, in the amount of \$ _____, _____) together with costs and disbursements in the amount of \$ _____, for a total sum of \$ _____; (and it is further _____)

(ORDERED that the Respondent is hereby placed on probation for _____ months under the supervision of the _____ County Probation Department;)(and it is further _____)

[JUDICIAL ORDER ONLY]: (ORDERED that the Respondent is hereby committed to _____ County jail for a period of _____ (weeks)(days);) (and it is further _____)

[HEARING EXAMINER ORDER ONLY] (RECOMMENDED that the Respondent be committed to County jail, subject to confirmation by a Judge of this Court;)(and it is further _____)

[IV-D public assistance cases only]: (ORDERED that the Respondent participate in the following work activities [specify program]: _____)

(and it is further _____)

(ORDERED that the Respondent shall provide an undertaking for support pursuant to _____)

Section 471 of the Family Court Act;) (and it is further)

(ORDERED that an order of sequestration shall be entered pursuant to Section 457 of the Family Court Act;) (and it is further)

(ORDERED that Respondent pay counsel fees in the amount of \$ _____ to (_____, attorney for the Petitioner) (_____, attorney for _____, a person acting on behalf of the child(ren) herein); (and it is further)

ORDERED that the (New York State Department of Motor Vehicles)(Other State Professional or Business Licensing Entity [specify]: _____) commence proceedings to suspend Respondent's (motor vehicle operator's license) (professional or trade license or permit)(recreational or sporting license or permit) [specify]:⁴

); (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]: _____.

⁴Applicable in cases where Respondent has accumulated child support or combined child support and spousal maintenance arrearage equivalent to or in excess of the amount of current support due for a period of four months. This amount does not include retroactive support ordered. This provision is inapplicable to cases where Respondent is receiving family assistance or supplemental security income, has an income below the self-support reserve or has an income which would fall below the self-support reserve if current support obligations are met. See F.C.A. §§458-a, 458-b.

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 promptly by (IV-D cases: Support Collection Unit) (Non-IV-D cases: Clerk of Court)[delete inapplicable provision] 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)

[HEARING EXAMINER ORDER ONLY]: (ORDERED that the determination pursuant to Section 156 of the Family Court Act made herein that Respondent willfully failed to obey an order of the Court is hereby referred to a Judge of this Court for confirmation in accordance with Section 439-a of the Family Court Act;)(and it is further)

(ORDERED that

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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 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:

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

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