

F.C.A. §§ 438, 440, 460, 461,466,
467, 652; D.R.L. § 244

Form 4-13a
(Support-Custody-Visitation--
Order Enforcing Order Made
by 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 Court Act

Docket No.

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

**ORDER ENFORCING
ORDER MADE BY
ANOTHER COURT
(Support)(Custody)
(Visitation)**

Petitioner.

S.S.# (Assignor)

- against-

Respondent.

SS.#

.....
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 APPELLANT IN COURT,**

\$ which amount the Court finds to be the arrears due and owing under said order;)

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

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
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ORDERED that the (judgment) (order) of (support) (custody) (visitation) dated _____, is hereby continued; and it is further

(ORDERED that the Respondent, upon notice of this Order, pay or cause the aforesaid amount to be paid to (Petitioner) (IV-D cases: Support Collection Unit) (Non IV-D cases: N.Y.S. Office of Temporary and Disability Assistance),¹ such payments to commence on _____ ; and it is further)

(Non-IV-D cases only): ORDERED that, pursuant to Family Court Act §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 ; 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)(recreation or sporting license or permit) [specify]:² _____)

¹Non-IV-D cases only: payments must be remitted to : New York State Office of Temporary and Disability Assistance, Post Office Box 15365, Albany, New York 12260

²Applicable 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 were met. F.C.A. §§458-a, 458-b.

; (and it is further)

(ORDERED that execution of the provisions of this order shall be suspended for a period of [specify period not to exceed one year] from the date of this order]:³

); and

(The Court having determined) (that employer- or organization-subsidized 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 provisions]

IT IS THEREFORE ORDERED that [specify name(s) of legally-responsible relative(s)]:
enroll the eligible dependent(s) 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 benefits shall include all plans covering the health, medical, dental, optical and prescription drug needs of the dependent(s) 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;)(and it is further)

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]:

³Applicable to state professional and business licenses only.

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 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 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)

(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 Respondent pay the additional sum of \$ (bi-)

(weekly)(semi) (monthly)(quarterly) toward 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 paid arrears and further directs that such arrears are not to be certified to the State Tax Commission pursuant to section 17-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 (C.P.L.R 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 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 [specify]: _____ , attorney for the Petitioner (_____ , attorney for child(ren) herein;) (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 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

).

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]: _____