

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding for Support
under Article 4 of the Family Court Act

Docket No.

FINDINGS OF FACT

(Commissioner of Social Services, Assignee)

Petitioner,

- against -

Respondent.

.....

....., being the Hearing Examiner to whom the issues
of support in the above-entitled proceeding were referred for determination, makes the
following findings of fact:

[DELETE ALL INAPPLICABLE ITEMS]

1. Petitioner and Respondent were married on _____, and (are still
husband and wife) (were divorced on _____).

2. Petitioner and Respondent were never married to each other.

3. There are no children born of this marriage.

4. Respondent is liable by virtue of (state basis for support liability)

for support of the child(ren): (state name and date of birth of each child)

5. The child(ren) [state name(s) _____]
reside with petitioner; the child(ren)(state names _____)

] reside with

respondent.

6. Petitioner) (Respondent) failed without good cause to file a net worth statement.

7. The basic child support obligation for support of the child(ren) [name(s) _____

is:

8. The mother is the (custodial) (non-custodial) parent, whose pro rata share of the basic child support obligation is

9. The father is the (custodial) (non-custodial) parent whose pro rata share of the basic child support obligation is

10. Employer or organization subsidized health insurance coverage is available to [name(s) _____].

11. _____ The non-custodial parent's pro rata share of the basic child support obligation is neither unjust nor inappropriate.¹

12. Upon consideration of the following factors specified in Family Court Act Section 413(l)(f):²

the non-custodial parent's pro rata share of the basic child support obligation is (unjust) (inappropriate) in that:

13. The parties have voluntarily stipulated to child support for the child(ren)

¹This paragraph is to be used only 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(l)(g). Delete if inapplicable.

[name(s)]

_____ payable by _____ to _____
_____ 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 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; and

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

14. Respondent willfully failed to obey the order of this court, namely: [See §454
F.C.A.]

15. Respondent showed good cause for failing to make application for relief from the
judgment or order directing payment of support prior to the accrual of the arrears alleged
herein in that: [set forth facts and circumstances constituting good cause; see §451 F.C.A.]

16. The following are the reasons for denying certain requests for relief made herein:
[See §454 F.C.A.]

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.

17. Attached and made a part hereof is (Appendix A) (and)(AppendixB) hereto.

18. Other findings of fact: (potential for support; other child support obligations; support payments previously made; efforts to supplement income; efforts to find employment; if proceeding is for modification, include facts pertaining to change of circumstances.)

Dated:

—

Hearing Examiner

Appendix A
Itemization of Income and Deductions of Custodial
and Non-Custodial Parents
(FCA §§413, subd. 1(b),(c),(f), 416

CUSTODIAL PARENT

Mother Father

Gross (Total) Income

1. Gross (total) income (as should have been or should be reported in most recent federal income tax return) _____

2. Investment income (not already included in item 1), reduced by sums expended in connection with the investments _____

3. Income or compensation voluntarily deferred or income from the following sources (not already included in items 1 or 2)
 - a. deferred compensation _____
 - b. worker's compensation _____
 - c. disability benefits _____
 - d. unemployment insurance benefits _____
 - e. social security benefits _____
 - ___ f. veterans benefits _____
 - ___ g. pensions and retirement benefits _____
 - ___ h. fellowships and stipends _____
 - ___ I. annuity payments _____
 -

4. Income based upon former resources or income _____

5. Self-employment deductions (not already included in items 1 or 2)

a.depreciation deduction

b.entertainment and travel allowances

6. Other⁴ _____

7. GROSS INCOME \$ _____

Deductions

8. Unreimbursed employee
business expenses (except to extent
expenses reduce personal expenditures) _____

9. Alimony or maintenance actually paid to
non-party spouse pursuant to court
order or agreement _____

10. Alimony or maintenance actually paid or to be
paid to party-spouse pursuant to court order
or agreement _____

11. Child support actually paid pursuant to court order
or agreement for non-party child _____

12. Family assistance _____

13. Supplemental social security
income _____

14. N.Y.C. or Yonkers taxes _____

⁴See S413, subd. 1(b)(5)(iv) and (v)

15. Federal Insurance Contributions Act (FICA) taxes _____

16. TOTAL DEDUCTIONS \$ _____

Health Insurance

Insurance subsidized by employer or organization available?

yes _____

no _____

17. CUSTODIAL PARENT'S NET INCOME \$ _____

NON-CUSTODIAL PARENT
Mother Father

Gross (Total) Income

18. Gross (total) income (as should have been or should be reported in most recent federal income tax return) _____

19. Investment income (not already included in item 1), reduced by sums expended in connection with the investments _____

20. Income or compensation voluntarily deferred or income from the following sources (not already included in items 1 or 2) _____

a. deferred compensation _____

- b. workers compensation _____
- c. disability benefits _____
- d. unemployment insurance benefits _____
- e. social security benefits _____
- f. veterans benefits _____
- g. pensions and retirement benefits _____
- h. fellowships and stipends _____
- I. annuity payments _____

- 21. Income based upon former resources or income _____

- 22. Self-employment deductions (not already included in items 1 or 2)
 - a. depreciation deduction _____
 - b. entertainment and travel allowances _____

- 23. Other⁵ _____

- 24. GROSS INCOME \$ _____

Deductions

- 25. Unreimbursed employee business expenses (except to extent expenses reduce personal

⁵See §413, Subd. 1(b)(5)(iv) and (v)

- expenditures) _____
26. Alimony or maintenance actually paid to non-party spouse pursuant to court order or agreement _____
27. Alimony or maintenance actually paid or to be paid to party-spouse pursuant to court order or agreement _____
28. Child support actually paid pursuant to court order or agreement for non-party child _____
29. Family assistance _____
30. Supplemental social security income _____
31. N.Y.C. or Yonkers taxes _____
32. Federal Insurance Contributions Act (FICA) taxes _____
33. TOTAL DEDUCTIONS \$ _____

Health Insurance

Insurance subsidized by employer or organization available?

yes _____
no _____

34. NON-CUSTODIAL PARENTS NET INCOME \$ _____

35. COMBINED PARENTAL INCOME
(Line 17 plus line 34)

\$ _____

-

FCA §413 subds. 1(b)(3) and 1(c)

Child support percentages:

17% of the combined parental income for one child;

25% of the combined parental income for two children;

29% of the combined parental income for three children;

31% of the combined parental income for four children;

No less than 35% of the combined parental income for five or more children.

Combined parental income up to \$80,000 to be multiplied by the appropriate child support percentage and pro rated in the same proportion as each parent's income bears to the combined parental income.

Appendix B.

Itemization of Income and Deductions of Custodial and Non-Custodial Parents (FCA S413, Subd. 1(a), (b), (c), (f))

1. Petitioner's (weekly) (monthly) expenses are: (itemize)
2. Petitioner's (weekly) (monthly) income are: (itemize)
3. Respondent's (weekly) (monthly) expenses are: (itemize)
4. Respondent's (weekly) (monthly) income are: (itemize)
5. The (weekly) (monthly) needs of these children are: (itemize as to each child)