

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of a Paternity Proceeding

S.S. # _____
Petitioner,

Docket No.

-against-

PETITION TO VACATE
ACKNOWLEDGMENT
OF PATERNITY

S.S. # _____
Respondent.

NOTICE: PURSUANT TO THE PROVISIONS OF SECTION 516-a OF THE FAMILY COURT ACT, UPON THE FILING OF A TIMELY PETITION TO VACATE THE ACKNOWLEDGMENT OF PATERNITY, THE COURT SHALL ORDER GENETIC MARKER OR DNA TESTS FOR THE DETERMINATION OF THE CHILD'S PATERNITY AND SHALL MAKE A FINDING OF PATERNITY AND SUPPORT, IF APPROPRIATE.

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. a. Petitioner resides at _____

b. Respondent resides at _____

2. Petitioner and Respondent executed an Acknowledgment of Paternity concerning _____ a child born out of wedlock on _____ (date) to _____ (A copy of said Acknowledgment of Paternity is attached.)

3. [Delete inapplicable provisions] a. Sixty days have not elapsed since (the signing of the Acknowledgment of Paternity) (the commencement of an administrative or a judicial proceeding, including a proceeding to establish a support order relating to the child, in which either signator is a party.)

b. Sixty days have elapsed since the execution of the acknowledgment of paternity and that fraud, duress or material mistake of fact has occurred in that:

).

4. That the acknowledgment of paternity should be rescinded because: [specify reasons]:

5. That the Petitioner's legal obligation for child support arising from the acknowledgment should be suspended for good cause during the challenge to the acknowledgment for the following reasons:[Delete if applicable]

6. The subject child (is) (is not) a Native American child subject to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901-1963).

7. No previous application has been made to any court or judge for the relief herein requested (except)

8. Petitioner: [alternative allegations: delete inapplicable clauses]

(a: has made application for child support services with the local Department of Social Services).

(b: hereby makes application for child support enforcement services by the filing of this petition).

(c: does not wish to make application for child support services).

WHEREFORE, Petitioner requests that this Court issue an order rescinding the acknowledgment and an order determining that the alleged father is not the father of the child named herein and such other and further relief as may be appropriate under the circumstances.

NOTE: (1) A COURT ORDER OF SUPPORT RESULTING FROM A PROCEEDING COMMENCED BY THIS APPLICATION (PETITION) 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 SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. SUCH COST OF LIVING ADJUSTMENT SHALL BE ON NOTICE TO BOTH PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THE RIGHT TO BE HEARD BY THE COURT AND TO PRESENT EVIDENCE WHICH THE COURT SHALL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH SECTION FOUR HUNDRED THIRTEEN OF THE FAMILY COURT ACT, KNOWN AS THE CHILD SUPPORT STANDARDS ACT.

(2) A PARTY SEEKING SUPPORT FOR ANY CHILD(REN) RECEIVING FAMILY ASSISTANCE SHALL HAVE A 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 BY THE SUPPORT COLLECTION UNIT, WITHOUT FURTHER APPLICATION BY ANY PARTY. ALL PARTIES WILL RECEIVE A COPY OF THE ADJUSTED ORDER.

(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 ADJUSTED ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

Petitioner

Print or Type Name

Signature of Attorney, if any

