

**FAMILY COURT
OF THE STATE OF NEW YORK
COUNTY OF**

In the Matter of

_____, **PETITIONER**

FIRST M.I. LAST

Docket #: _____

Family File #: _____

**PETITION TO VACATE
ACKNOWLEDGMENT
OF PATERNITY**

-AGAINST-

_____, **RESPONDENT**

FIRST M.I. LAST

Child's Name: _____

Date of Birth: ____ / ____ / ____

TO THE FAMILY COURT:

The undersigned Petitioner respectfully states that:

1. I reside at (*specify*):

2. The Respondent resides at (*specify*):

3. The Respondent and I executed the attached Acknowledgment of Paternity concerning the above listed child.

You must attach a copy of the Acknowledgment of Paternity or your petition may be dismissed.

4. It has been less than sixty (60) days since the Acknowledgment was signed.

It has been more than sixty (60) days since the Acknowledgment was signed, **but** the Acknowledgment should be rescinded because: (**Attach additional sheets if needed.**)

5. Petitioner's legal obligation for child support in this case should be suspended during this challenge to the Acknowledgment for the following reasons: (**Attach additional sheets if needed.**)

6. Is the child named here a Native American child covered by the Indian Child Welfare Act of 1978 (25 U.S.C. §1901-1963)? Yes No

7. No previous application has been made to any court or judge for this relief.

A previous application has been made to:

8. Check the box that applies to you:

I have applied for child support services with the Department of Social Services.

I am applying for child support enforcement services by filing this petition.

I do not wish to apply for child support services.

I am not eligible for child support enforcement services.

WHEREFORE, I request 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 to grant such other and further relief as may be appropriate under the circumstances.

Dated: _____

Petitioner's Signature

Print Name

Attorney's Signature (if applicable)

Print Attorney's Name (if applicable)

Address & Phone No. of Attorney (if applicable)

VERIFICATION

STATE OF NEW YORK)
COUNTY OF)

The Petitioner herein, being duly sworn, states: I have read this petition and its contents are true to my own knowledge, except to matters alleged to be on information and belief and, as to those matters, I believe them to be true.

Petitioner's Signature

Subscribed and Sworn to before me
on _____.

(Deputy) Clerk of the Court,
Notary Public or Comm. of Deeds

NOTICE

(1) COST OF LIVING ADJUSTMENT: 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 24 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 WILL 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) ADJUSTMENT FOR CHILDREN RECEIVING FAMILY ASSISTANCE: 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 24 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) FAILURE TO NOTIFY SCU OF ADDRESS CHANGE: WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, 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.