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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 141 SSM 11  
In the Matter of O. (Anonymous),  
Respondent,  
v.  
M. (Anonymous),  
Appellant.

Submitted by Ronald R. Levine, for appellant.  
Submitted by Bruce A. Petito, for respondent.  
Submitted by Kelly R. Brady, for the child.

MEMORANDUM:

The order of the Appellate Division should be reversed,  
without costs, and the matter remitted to Family Court for  
further proceedings in accordance with this memorandum.

Family Court erred by failing to hold a hearing on

equitable estoppel after genetic testing was conducted (see Matter of Juanita A. v Kenneth Mark N., 15 NY3d 1 [2010]; Matter of Shondel J. v Mark D., 7 NY3d 320 [2006])). Additionally, we note that Family Court has subject matter jurisdiction to make a child support award against appellant notwithstanding a New Jersey order directing another individual to pay child support (see Matter of Clarke v Clarke, 68 AD3d 1203, 1204-1205 [3d Dept 2009])). Consequently, we remit the matter to Family Court for a hearing and determination addressing appellant's equitable estoppel claim (see Juanita A., 15 NY3d at 6), and any further proceedings, if appropriate.

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On review of submissions pursuant to section 500.11 of the Rules, order reversed, without costs, and matter remitted to Family Court, Dutchess County, for further proceedings in accordance with the memorandum herein. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided May 1, 2012