

F.C.A. §§ 516-a, 532, S.S.L. §111-k , P.H.L. §4135-b
[NOTE: Personal Information Form 4-5/5-1-d,
containing social security numbers of parties
must be filed with this Petition]

Form 5-15
(Paternity–Petition to Vacate
Acknowledgment of Paternity)
8/2010

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of a Paternity Proceeding

Petitioner,

Docket No.

-against-

PETITION TO VACATE
ACKNOWLEDGMENT
OF PATERNITY

Respondent.

NOTICE: PURSUANT TO THE PROVISIONS OF SECTIONS 516-A AND 532 OF THE FAMILY COURT ACT, UPON THE FILING OF A TIMELY PETITION TO VACATE THE ACKNOWLEDGMENT OF PATERNITY, THE COURT MAY BE REQUIRED TO ORDER GENETIC TESTING, INCLUDING DNA TESTING, FOR THE DETERMINATION OF THE CHILD'S PATERNITY AND TO MAKE A FINDING OF PATERNITY AND SUPPORT, IF APPROPRIATE.

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

1. a. Petitioner resides at [specify]:¹

b. Respondent resides at [specify]:²

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

[NOTE: Petitioner MUST black out or redact social security numbers from the Acknowledgment].

3. [Check applicable box(es)];

a. It has been less than 60 days since the signing of the Acknowledgment of Paternity;

b. It has been less than 60 days since the commencement of an administrative or a judicial

¹ Unless ordered confidential, pursuant to Family Court Act §154-b, because disclosure would pose an unreasonable risk to the health or safety of the Petitioner. *See* Forms GF-21 and 21a, available at www.nycourts.gov.

² Unless ordered confidential, pursuant to Family Court Act §154-b, because disclosure would pose an unreasonable risk to the health or safety of the Respondent. *See* Forms GF-21 and 21a, available at www.nycourts.gov.

proceeding, including a proceeding to establish a support order relating to the child, in which either person who signed the Acknowledgment of Paternity is a party.

c. Sixty days have elapsed since the signing of the Acknowledgment of Paternity. The following fraud, duress or material mistake of fact has occurred [specify]:

4. The Acknowledgment of Paternity should be rescinded because: [specify reasons]:

5. [Delete if inapplicable]: Petitioner's legal obligation for child support arising from the Acknowledgment of Paternity should be suspended for good cause during the challenge to the Acknowledgment of paternity because [specify]:

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. Petitioner: [check applicable box]:

- has applied for child support services with the local Department of Social Services.
- now applies for child support enforcement services by the filing of this petition.
- does not wish to make application for child support services.
- is not eligible for child support enforcement services.

8. Respondent had did not have a prior order of support for the above-named child that was payable through the Support Collection Unit.

9. No individual has been adjudicated father of this child, either in this court, or any other court, including a Native American court; and no individual has signed an Acknowledgment of Paternity admitting paternity for this child apart from the Acknowledgment of Paternity sought to be vacated by this Petition except [specify, if applicable]:

10. No previous application has been made to any Court or judge for the relief requested in this Petition except [specify, if applicable]:

WHEREFORE, Petitioner requests that this Court issue an order rescinding the Acknowledgment of Paternity 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.

NOTICE: (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.

