

FCA ART 5-B

UIFSA-13
(Petition to Vacate
Registration of Out-of-
State Child Support
Order)

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____, New York
on _____

PRESENT:

HON. _____
Judge/Support Magistrate

In the Matter of the Registration of an Out-
of-State Support Order pursuant to
Article 5-B, Part 6A of the Family Court Act

Docket No.

S.S.# _____
Petitioner/Registering Party

-against-

ORDER ON PETITION TO
VACATE REGISTRATION
OF OUT OF-STATE -
SUPPORT ORDER

S.S.# _____
Respondent/Non-Registering Party

An out-of-state support order dated _____, having been registered in this
Court on _____, and the Respondent named above having filed a petition sworn to on
_____, requesting that registration of the support order be vacated upon the grounds that [specify]:

_____ ;and

[Check applicable box(es)]: Petitioner and Respondent having appeared before this Court; and

The matter having duly come on to be heard before this Court;

NOW, after examination and inquiry into the date and circumstances of the case and after hearing
the proof and testimony offered in relation thereto,

This Court finds that the following support or income withholding order(s) [check applicable box]:
 have have not been properly registered in this State for enforcement pursuant to FCA Article 5-B
Section 6-A:

ORDER	ISSUING STATE	EFFECTIVE DATE	CURRENT SUPPORT AMOUNT
1			
2			
3			
4			

This Court finds that proper notice of registration has has not been given to the Respondent pursuant to FCA Section 580-605, by first class mail.

The Court finds that the Respondent has:

- failed to request a hearing within twenty days after the date of mailing of personal service of the notice of registration
- requested a hearing to contest the validity or enforcement of the registered Order of Support and this Court has sent notice of the date, time and place of the hearing by first class mail to the Petitioner, Respondent, and initiating tribunal.

The Court further finds:

That the individual obligee is residing in the State of _____
 That the child is residing in the State of _____
 That the obligor is residing in the State of _____
 That the child's home State is _____

IT IS ORDERED

- That the registered Order is confirmed pursuant to FCA Section 580-607
- That pursuant to FCA Section 580-207 there is an existing order that must be recognized. The controlling Order for prospective enforcement is Order Number _____ listed in the above table. The duration of support is governed by the law of _____, the issuing state; under the law of _____ the duration of support is _____
- Pursuant to FCA Section 580-207 more than one child support order has been issued with regard to the obligor and child, but there is no order issued by a State of continuing, exclusive Jurisdiction. Since there is no order that must be recognized for prospective support and this Court has personal jurisdiction over the parties, this Court must issue a new support order. A Supplemental Order of Support is attached hereto and incorporated by reference herein.

- That the obligor owes arrears under order(s) listed in the above table totaling in the amount of \$ _____ as of _____ .
- That the non-registering Respondent has presented evidence establishing a full or partial defense pursuant to FCA Section 580-607(h) and this Court hereby stays enforcement of the registered Order and continues the proceeding to _____ at _____ to permit production of additional relevant evidence by Petitioner.
- That the registered Order is not confirmed because the non-registering party has proven one or more of the defenses set forth below:
 - The issuing tribunal lacked personal jurisdiction over the contesting party pursuant to FCA Section 580-607(a)(1).
 - The Order was obtained by fraud pursuant to FCA Section 580-607(a)(2), the Court having found as follows:
 - The Order has been vacated, suspended, or modified by a later Order pursuant to FCA Section 580-607(a)(3), the Court having found as follows:
 - The issuing tribunal has stayed the Order pending appeal pursuant to FCA Section 580-607(a)(4), the Court having found as follows:
 - There is a defense under the law of this State to the remedy sought pursuant to FCA Section 580-607(a)(5), the Court having as follows:
 - Full or partial payment has been made pursuant to FCA Section 580-607(a)(6), the Court having found as follows:
 - The statute of limitation precludes enforcement of some or all of the arrearage pursuant to FCA §580-607(a)(7), the Court having found as follows:

AND IT IS FURTHER ORDERED THAT the Clerk of Court shall forward a certified true copy of this Order to the Petitioner, Respondent, and initiating tribunal, if any, by first class mail.

IF THIS ORDER IS ENTERED BY A JUDGE, PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, WHICHEVER IS EARLIEST.

IF THIS ORDER IS ENTERED BY A SUPPORT MAGISTRATE, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

Date: _____

Judge of the Family Court/Support Magistrate

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____