

F.C.A. §451

Form 4-25b
(Child Support -- Affirmation in Support of
Motion to Vacate for Lack of Service)
(1/2024)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding under Article 4 of the
Family Court Act,

DOCKET NO.

Petitioner

AFFIRMATION IN
SUPPORT OF MOTION
TO VACATE FOR LACK
OF SERVICE

-against-

Respondent
.....

I, [specify name]: _____, [check if applicable]: an attorney duly
admitted to practice law in the State of New York, affirm the following to be true under the penalties
of perjury:

1. I am: _____, the Respondent in the above-entitled action. I
make this affirmation in support of the motion for an Order vacating the Order of Support, entered by
this Court on [specify date]: _____, for the support of the following
child(ren)[specify]: _____
A copy of the Order of Support is attached.

2. I did not appear in Court on the date the Order was issued because I had not been served
with a summons or petition and I had no notice of the proceedings.

3. I did not make this motion earlier because [specify reasons, if any]:

4. If I had appeared in court, I would have presented the following valid defense to the child
support petition [briefly summarize defense]:

5. No previous application has been made to any court or judge for the relief herein requested
(except [specify]):

I affirm this ____ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the above statements are true, and I understand that this document may be filed in an action or proceeding in a court of law.

WHEREFORE, I respectfully request that the Order of Support entered by this Court on [specify date]: _____ be vacated and that this Court grant such other and further relief as it may deem proper.

Dated _____ , _____

Applicant
Print or Type Name

Signature of Attorney, if any

Attorney's Name (print or type)

Attorney's Address and Telephone Number