

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]
FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

Form 5-15
(Paternity–Petition to Vacate
Acknowledgment of Parentage)
2/2021

In the Matter of a Paternity Proceeding

Petitioner,

Docket No.

-against-

PETITION TO VACATE
ACKNOWLEDGMENT
OF PARENTAGE

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 PARENTAGE, THE COURT MAY BE REQUIRED TO ORDER GENETIC TESTING, INCLUDING DNA TESTING, FOR THE DETERMINATION OF THE CHILD'S PARENTAGE AND TO MAKE A FINDING OF PARENTAGE AND SUPPORT, IF APPROPRIATE.

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

1. a. I reside at [specify]:¹

b. Respondent resides at [specify]:²

2. Respondent and I executed an Acknowledgment of Parentage concerning _____ a child born out of wedlock on _____ (date) to _____ . A copy of the Acknowledgment of Parentage 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 Parentage;

b. It has been less than 60 days since the commencement of an administrative or a judicial proceeding, including a proceeding to establish a support order relating to the child, in which

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.

either person who signed the Acknowledgment of Parentage is a party.

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

4. The Acknowledgment of Parentage should be vacated (rescinded) because: [specify reasons]:

5. [Check box if applicable; if not, SKIP to ¶6]: My legal obligation for child support arising from the Acknowledgment of Parentage 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. [Check applicable box]:

- I have applied for child support services with the local Department of Social Services.
- I am now applying for child support enforcement services by the filing of this petition.
- I do not wish to make application for child support services.
- I am 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 Parentage admitting parentage of this child apart from the Acknowledgment of Parentage 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, I request that this Court issue an order vacating the Acknowledgment of Parentage and an order determining that the alleged father is not the father of the above-named child 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.

(2) 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 TWENTY-FOUR 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) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS TO WHICH AN ADJUSTED ORDER CAN BE SENT, AS REQUIRED BY SECTION 443 OF THE FAMILY COURT ACT, 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.

Petitioner

Print or Type Name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK)

)ss.:

COUNTY OF)

_____, being duly sworn, deposes and says that (s)he is the Petitioner in the above-entitled proceeding and that the foregoing petition is true to (his) (her) own knowledge, except as to matters herein stated to be alleged on information and belief as to those matters (s)he believes it to be true.

Petitioner

Print or Type Name

Sworn to before me this _____
day of _____, _____ .

(Deputy) Clerk of the Court
Notary Public