F.C.A. §451, 548

Form 5-17b
(Paternity-- Affidavit in Support of Motion to Vacate Judgment for Lack of Service)
(9/2006)

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of a Proceeding under Article 5 of the Family Court Act,

Petitioner

S.S.#

-against-

Respondent

S.S.#

DOCKET NO.

AFFIDAVIT IN SUPPORT OF MOTION TO VACATE FOR LACK OF SERVICE

.....

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

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

1. I am: , the Respondent in the above-entitled action. I make this affidavit in support of the motion for an Order vacating the [check applicable box(es)]: ☐ Order of Filiation ☐ Order of Child Support , entered by this Court on [specify date(s)]:
, for the support of the following child(ren)[specify]:

A copy of the ☐ Order of Filiation ☐ Order of Child 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 paternity petition [briefly summarize defense]:

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

WHEREFORE, I respectfully request that the ☐ Order of Filiation ☐ Order of Child 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 , .

_____
Signature of Applicant

_____
Print or Type Name

Sworn to before me this
day of ,

_____
(Deputy) Clerk of the Court
Notary Public

_____
Signature of Attorney, if any

_____
Attorney's Name (print or type)

_____

_____
Attorney's Address and Telephone Number