

Name of Respondent/Defendant: _____

Docket #/Index #: _____

Terms of the Order (state what each party is directed to do regarding support): _____

- The order is a Nassau County Family Court order; one copy has been provided for service on respondent.
- A certified copy of the non-Nassau County Family Court support order/judgment (with a certified copy of attachments) is attached; an additional copy has been provided for service on respondent.
- A certified copy of the non-Nassau County Family Court support order/judgment (with a certified copy of attachments) was previously submitted to Nassau County Family Court on a prior support matter filed after January 1, 2013; one copy has been provided for service on respondent.

3. The name and date of birth of each person for which support is ordered are as follows:

Custodial Parent: _____ / / ,
(if applicable) [print name] [date of birth]

Child(ren): _____ / / ,
[print name] [date of birth]

_____ / / ,
[print name] [date of birth]

_____ / / .
[print name] [date of birth]

4. Is the current support order/judgment from a NYS Family Court? Yes No

If no, under the terms of the support order/judgment, the court has not retained exclusive jurisdiction to modify, the support order/judgment.

5. I am seeking a modification of the current support order because [check ✓ one or more boxes- **A, B, and/or C**]:

A. There has been the following change(s) in circumstances since the support order/judgment was made [check ✓ applicable box(es)]:

a. Increased/Decreased needs of the child(ren) [specify]: _____

I have attached the following documents as evidence [specify]: _____

b. Needs of the child(ren) that are not being met [specify]: _____

I have attached the following documents as evidence [specify]: _____

c. Change in ability of respondent to pay support [specify]: _____

I have attached the following documents as evidence [specify]: _____

d. Other [specify]:¹ _____

I have attached the following documents as evidence [specify]: _____

¹If incarceration is the basis for alleging substantial change in circumstances, so state and indicate whether or not the incarceration resulted from a charge and/or conviction for nonpayment of child support order/judgment or an offense against the custodial parent or child who is the subject of the child support order/judgment. See FCA §451(2)(a); DRL § 236B(9)(b)(2)(i).

B. The parties have not specifically agreed otherwise in a validly executed agreement or stipulation and three years have passed since the order was entered, last modified or adjusted.²

C. The parties have not specifically agreed otherwise in a validly executed agreement or stipulation and there has been a change in either party's gross income by fifteen percent or more since the order was entered, last modified or adjusted [state basis]:³

I have attached the following documents as evidence [specify]: _____

6. The support order/judgment should be modified as follows [specify]: _____

7. Are you the party required to pay support? Yes No

If yes, complete the following:

I did not make an application earlier for relief from the support order/judgment directing payment prior to the accrual of arrears because [specify reason(s)]: _____

If no, check one box below:

 I have previously made an application for child support enforcement services with the Nassau County Department of Social Services Support Collection Unit (SCU) and I currently have an SCU case with this respondent; I request that the order of support be

²This ground only applies to original or modified support orders entered on or after October 13, 2010.

³This ground only applies to original or modified support orders entered on or after October 13, 2010.

payable or continue to be payable through the New York State Office of Child Support Enforcement (OCSE).

- By filing this petition, I am now making an application for child support enforcement services with SCU. I request that the order of support be payable through OCSE. I understand that I must file additional documentation directly with SCU.
- I continue to receive child support enforcement services from SCU after the public assistance or care case has closed. I request that the order of support continue to be payable through OCSE.
- I do not wish to make an application for child support services with SCU. I request that the order of support be payable directly to me without involvement from SCU or OCSE.
- I am not eligible for child support enforcement services (the support order/judgment is for spousal support only).

8. Has there been an application made in any court, including a Native American tribunal, for the relief herein requested? Yes No

WHEREFORE, I respectfully request that the support order/judgment dated ____ / ____ / ____, be modified as set forth above and for such other relief as the court may deem just and proper.

NOTE:

(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 WILL 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, AS REQUIRED BY SECTION FOUR HUNDRED FORTY-THREE OF THE FAMILY COURT ACT, TO WHICH AN ADJUSTED ORDER CAN BE SENT, 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.

Dated: ____ / ____ / ____

Petitioner [sign name]

Petitioner [print name]