

F.C.A. §§ 440, 442-447, 449, 451, 461
466, 467, 652, 654;
S.S.L. § 111-g

Form 4-11
(Support-Custody
Visitation)
12/97

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....

In the Matter of a Proceeding for Support
Under Article of the Family Court Act

Docket No.

(Commissioner of Social Services, Assignee,
on behalf of , Assignor)

Petitioner,

S.S. # (Assignor)

PETITION FOR
MODIFICATION OF ORDER
MADE BY (ANOTHER
COURT)(FAMILY COURT)
(Support)(Custody)(Visitation)

-against-

Respondent.

S.S. #

.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. Petitioner resides at and Respondent resides at

2. Petitioner is and was the in an
action instituted in the (Supreme Court of the State of New York, County) (
Court of) entitled Index No.
, and the Respondent was the in said action.

[Delete if inapplicable]:

3.a. A (judgment) (order) dated , 19 , was entered in the action
whereunder the Respondent (Petitioner) was directed to (specify terms)

. A true copy of the (judgment)(order) is annexed hereto and made part hereof.

b. An order of support dated , was entered wherein (specify

terms)

4. The names, addresses, dates of birth and social security numbers of all children affected by this order are:

<u>Name</u>	<u>Address</u>	<u>Date of Birth</u>	<u>Social Security #</u>
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5. Under the terms of the (judgment)(order) the (Supreme Court) () has not retained exclusive jurisdiction to modify said (judgment) (order). (Said Court is a court of competent jurisdiction outside the State of New York).

6. Since the entry of said (judgment)(order) there has been a change of circumstances in that

7. By reason of said subsequent change of circumstances the said (judgment)(order) of the Court should be modified in the following respects:

(8. Petitioner failed to make an application for relief from said judgment or order directing payment prior to the accrual of arrears for the following reason(s): .)

9. No previous application has been made to any court or judge for the relief herein requested (except).

10. Petitioner: [alternative allegations; delete inapplicable clauses]

(a: has made application for child support services with the local Department of Social Services).

(b: hereby makes application for child support enforcement services by the filing of this petition).

(c: does not wish to make application for child support services).

(d: is not eligible for child support enforcement services). [Petitioners seeking only spousal support are ineligible.]

WHEREFORE, Petitioner respectfully prays that the said (judgment)(order) of the (Supreme Court) (Court), dated , be modified in these respects set forth above and for such other relief as to the Court may seem 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

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, 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 and as to those matters (s)he believes it to be true.

Petitioner

Print or Type Name

Sworn to before me this
day of , 19 .

(Deputy) Clerk of the Court
Notary Public

