

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

.....
In the Matter of a Proceeding under
Article (4)(5-B) of the Family Court Act

Docket No.

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

PETITION
(Violation of
Support Order)

Petitioner,

S.S.#

-against-

Respondent.

S.S. #
.....

[Warning REQUIRED in petitions for contempt; delete or strike if inapplicable]:

**WARNING: THE PURPOSE OF THE HEARING REQUESTED IN THIS
PETITION IS TO PUNISH THE PETITIONER RESPONDENT
FOR CONTEMPT OF COURT, WHICH MAY INCLUDE SANCTIONS
OF A FINE OR IMPRISONMENT OR BOTH. YOUR FAILURE TO
APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR CONTEMPT OF COURT.**

PETITIONER

(list information about yourself)

RESPONDENT

(list information about other party)

STREET: _____

STREET: _____

CITY/STATE: _____

CITY/STATE: _____

ZIP: _____ COUNTY: _____

ZIP: _____ COUNTY: _____

DOB: _____

DOB: _____

SEX: _____ RACE: _____

SEX: _____ RACE: _____

WGT: _____ HGT: _____

WGT: _____ HGT: _____

EYE COLOR: _____ HAIR COLOR: _____ EYE COLOR: _____ HAIR COLOR: _____

TEL: _____ TEL: _____

EMP: _____

_____ EMP: _____

ATTY: _____ ATTY: _____

TO THE FAMILY COURT:

The Petitioner respectfully alleges that:

1. a. Petitioner is [specify assignee agency or, if individual, relation to child(ren)]: _____

b. Respondent is (relation to child(ren)): _____

2. The name, date of birth and social security number of the child(ren) involved are;

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. By order of this Court, dated _____, _____, the Respondent was ordered to pay for the support of the above-named child(ren) and was directed to pay the sum of \$ _____
 weekly every two weeks monthly twice per month quarterly to the Petitioner
 Support Collection Unit NYS Office of Temporary and Disability Assistance.

4. (Upon information and belief) Respondent has failed to obey the order of this Court in that [specify provision(s) of order alleged to be violated and nature of violation(s)]: _____

[Check if applicable]: Respondent's failure to comply was willful.

5. Petitioner: [check applicable box]:

has applied for child support services with the local Department of Social Services.

now applies for child support enforcement services by the filing of this petition.

does not wish to make application for child support services.

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

6. Respondent had did not have a prior order of support that was payable through the Support Collection Unit.

7. YOU ARE HEREBY NOTIFIED that Petitioner may amend this Petition to include any additional arrears which shall have accrued from the commencement of this proceeding up to the date of the hearing or disposition.

8. No previous application has been made to any Court or judge for the relief requested in this Petition (except

WHEREFORE, Petitioner requests an order granting Petitioner relief as set forth in Section 454 and 458-a, 458-b of the Family Court Act and Section 5242 of the Civil Practice Law and Rules, together with such other or further relief as the Court may deem just and proper.

NOTE:¹

(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

¹Not applicable to out-of-state orders entered in New York State for enforcement purposes only.

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.

Dated:

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number