

F.C.A. §§ 516-a, 532
S.S.L. §111-k
P.H.L. §4135-b

Form 5-15
(Paternity-Petition to Vacate
Acknowledgment of Paternity)
9/2007

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of a Paternity Proceeding

Petitioner,
S.S.#

Docket No.

-against-

**PETITION TO VACATE
ACKNOWLEDGMENT
OF PATERNITY**

Respondent.
S.S. #

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

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: _____
_____	_____
_____	_____

ATT: _____

ATTY: _____

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges that:

1. Petitioner and Respondent executed an Acknowledgment of Paternity concerning _____ a child born out of wedlock on _____ (date) to _____ (A copy of the Acknowledgment of Paternity is attached.)

2. [Check applicable box(es)];

- a. It has been less than 60 days since the signing of the Acknowledgment of Paternity;
- 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 either person who signed the Acknowledgment of Paternity is a party.

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

3. The Acknowledgment of Paternity should be rescinded because: [specify reasons]: _____

4. [Delete if inapplicable]: Petitioner's legal obligation for child support arising from the Acknowledgment of Paternity should be suspended for good cause during the challenge to the Acknowledgment of paternity because [specify]: _____

5. 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).

6. 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.

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

8. 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 Paternity admitting paternity for this child, (except) [specify]:

9. No previous application has been made to any Court or judge for the relief requested in this Petition (except) [specify]:

WHEREFORE, Petitioner requests that this Court issue an order rescinding the Acknowledgment of Paternity and an order determining that the alleged father is not the father of the child named herein and such other and further relief as may be appropriate under the circumstances.

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 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 ERIE)

_____, 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.

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

Petitioner

Print or Type Name

(Deputy) Clerk of the Court
Notary Public