

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

Form 4-11
(Support-Petition for
Modification
9/2007

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of a Proceeding for Support
Under Article 4 of the Family Court Act

Docket No.

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

**PETITION FOR
MODIFICATION OF AN ORDER
OF SUPPORT MADE BY
(ANOTHER COURT)(FAMILY
COURT)**

Petitioner,

S.S. #

-against-

Respondent.

S.S. #

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 undersigned Petitioner respectfully shows that:

1. 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]:

2.a. A judgment order, dated _____, was entered in the action directing the Respondent Petitioner to [specify terms]: _____

_____.

A true copy of the judgment order is attached and made a part of this Petition.

b. An order of support dated _____, was entered directing the Respondent Petitioner to [specify terms]: _____

_____.

A true copy of the judgment order is attached and made a part of this Petition.

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

<u>Name</u>	<u>Address¹</u>	<u>Date of Birth</u>	<u>Social Security #</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

¹ Unless ordered confidential, pursuant to Family Court Act §154-b, because of a risk that disclosure would place the health, safety or liberty of the child(ren) at risk. See Forms GF-21 and 21a, available at www.nycourts.gov.

4. a. Under the terms of the judgment order , the Supreme Court Other Court [specify]: _____ has not retained exclusive jurisdiction to modify the judgment order .

b. [Check if applicable]: The other Court is a court of competent jurisdiction outside the State of New York.

5. (Upon information and belief) Since the entry of the judgment order, there has been a change of circumstances in that [specify]: _____

6. Because of this change of circumstances, the judgment order should be modified as follows [specify]: _____

7. [Delete if inapplicable]: Petitioner failed to make an application earlier for relief from the judgment order directing payment prior to the accrual of arrears for the following reason(s)[specify]: _____

8. 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.]

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

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

WHEREFORE, Petitioner respectfully requests that the judgment order of the Supreme Court Other Court [specify]: _____, dated _____, be modified as set forth above and for such other relief as the Court may deem just and proper.

NOTE: (1) 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