

F.C.A. §§ 440, 442-447, 449, 451, 461
466, 467, S.S.L. § 111-g
[NOTE: Personal Information Form 4-5/5-1d,
containing social security numbers of parties and
dependents, must be filed with this Petition]

Form 4-11
(Support-Petition for
Modification)
8/2010

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
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)

Petitioner,

(Assignor)

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

-against-

Respondent.

.....
TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. a. Petitioner, [check box]: an individual, is related to the child(ren) as follows [specify]:
and resides at [specify]:¹
 assignee agency, has its place of business at [specify]:
- b. Respondent resides at [specify]:²

2. Petitioner is _____ and was the _____ in an action
instituted in the Supreme Court of the State of New York, _____ County [specify other
court]: _____ Court of _____
entitled _____
Index No. _____, and the Respondent was the _____ in the action.
[Delete if inapplicable]:

¹ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act § 154-b; Form 21 (available at www.nycourts.gov).

² Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. See Family Court Act § 154-b; Form 21 (available at www.nycourts.gov).

3.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.

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

<u>Name</u>	<u>Address³</u>	<u>Date of Birth</u>
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5. 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.

6. (Upon information and belief) Petitioner has standing to seek a modification of child support because {check applicable box}:

Since the entry of the judgment order, there has been a substantial change of circumstances in that [specify]:⁴

Unless the parties have specifically agreed otherwise in a validly executed agreement or stipulation, three years have passed since the order was entered, last modified or adjusted.⁵

Unless the parties have specifically agreed otherwise in a validly executed agreement or stipulation, 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]:⁶

³ Unless the Court has ordered the address to be confidential on the ground that disclosure would pose an unreasonable health or safety risk. *See* Family Court Act §154-b; Form 21 (available at www.nycourts.gov).

⁴ If 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 or an offense against the custodial parent or child who is the subject of the child support order. *See* Family Court Act §451(2)(a); Domestic Relations Law §236B(9)(b)(2)(i).

⁵ This ground only applies to original or modified support orders entered on or after October 13, 2010.

⁶ This ground only applies to original or modified support orders entered on or after October 13, 2010.

7. The judgment order should be modified as follows [specify]:

8. [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]:

10. Petitioner: [check applicable box]:

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

is now requesting child support services by the filing of this Petition.⁷

has continued to receive child support services after the public assistance or care case has closed.

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.]

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

12. No previous application has been made to any judge or court, including a Native American tribunal, or is presently pending before any judge or court, for the relief requested in this petition (except

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.

⁷Pursuant to Section 111-g of the Social Services Law, signing this petition is deemed to be an application for child support enforcement services.

(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